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OFFICIAL WEEK IN REVIEW

May 11—

THE PRESIDENT authorized the construction of the Magat River Multi-Purpose Project in Isabela, through Presidential Decree No. 693, to bolster the government's food production and industrialization efforts in the province. Estimated to cost about P3.5 billion, the project was given an initial appropriation of P2.4 billion by the President out of the national budget. The foreign exchange component is \$160 million. PD 693 authorizes the President to borrow an amount not exceeding \$300 million to finance the foreign exchange requirements of the nine-year project. The decree also empowers the National Irrigation Administration to collect from the users of the irrigation dam such fees or charges as may be necessary to, among others, finance the continuous operation and maintenance of the projects, and recover within a reasonable period its financing and construction costs.

BUREAU of Internal Revenue has chalked up a record high collection of P5.8 billion for the 10-month period from July 1974 to April this year. Commissioner Misael P. Vera said this exceeded by P1.4 billion the collection for the same period last year. He attributed the increased collection to various government tax reforms, and the increased awareness of taxpayers and improved BIR collection efforts.

GARMENT export had the highest foreign exchange earnings last year among the non-traditional products shipped by export-oriented firms registered with the Board of Investment (BOI). Statistics released by the investment body showed that garments had a total export income of \$32.039 million in 1974, \$20.121 million or 169.1 per cent more than the preceding year's \$11.918 million. The export income accounted for roughly 22 per cent of the total export earnings (\$140.103 million) of non-traditional manufactures shipped by the BOI-registered companies. According to the BOI figures, the total earnings generated by the non-traditional export last year was 44.8 per cent higher than the \$96.790 million realized the previous year.

May 12—

SECRETARY of Finance Cesar E. A. Virata has directed the Bureau of Customs to facilitate the collection of P120,713,195.36 from 24 big business firms. The list of the accounts was submitted to Secretary Virata by Acting Customs Commissioner Pedro C. Mendoza. Acting Commissioner Mendoza said that arrangements have been made with some of the business firms for the payment in installment of their accounts with the bureau of customs. However, Commissioner Mendoza said that some of the accounts have been getting bigger in the past months due to non-payment or small payments by some of the companies while, at the same time, incurring more receivables with the bureau of customs. Secretary Virata said that the bureau should institute ways and means by which to effect immediate or substantial collections from the outstanding receivables.

OFFICE of the solicitor general extended the deadline for the filing of applications for naturalization by decree to June 11. The deadline

was originally set for May 15, 1975. Solicitor General Estelito Mendoza, head of the three-man naturalization committee, said the President extended the deadline to enable applicants in the provinces to come up with the needed documents and other requirements. He said the Chief Executive was of the opinion that the May 15 deadline would not allow sufficient time for the committee members to process the applicants' papers.

May 13—

THE PRESIDENT reiterated the Philippine policy of inviting and welcoming foreign investments to participate in the country's economic development. He extended welcome to officials of Metallgesellschaft, a German steel conglomerate which plans to set up a local office, and Noritake of Japan which has entered into a P65 million joint venture for the manufacture of chinaware in the Philippines. The President assured them that it is the government policy to encourage investments and will extend all available support within the framework of the policies and laws of the country.

A \$5 MILLION Philippine government bank will be organized in the state of California to be known as the Philippine Bank of California, for the following objectives: 1) To tap the deposit potentials of the Filipino community in the American West Coast; 2) To facilitate trade between domestic and West Coast firms; 3) To allow greater participation of the Philippines in international banking operations; 4) To establish in that area a financial entity with a Filipino identity and help develop solidarity between Filipinos here and abroad, and 5) to enhance our country's image internationally. In Letter of Instructions No. 279 issued by the President, he directed five government financial institutions to invest in the new bank, each to the extent of 20 per cent of the proposed initial authorized capital of \$5 million. These financial institutions are the Philippine National Bank, the Development Bank of the Philippines, the Land Bank of the Philippines, the Social Security System, and the Government Service Insurance System. Their individual subscriptions will be paid to the PNB which is charged with the establishment and organization of the new bank.

May 14—

REVENUE Commissioner Misael P. Vera disclosed that the government's tax amnesty program has netted close to P1.5 billion. He said the vigorous campaign initiated by the BIR in tax information and the lenient attitude of the government towards tax evaders contributed to this encouraging result.

PHILIPPINE Medical Care Commission called attention to the repeated failure of some private corporations to remit to the SSS the Medicare contributions of their employees. Dr. Pacifico E. Marcos, Medicare chairman, said many employees have complained to him against the practice. The complainants, he added, also denounced their employers for "investing their contributions in high-yield deposits in the money market." He said private corporations are not the only delinquents in turning over Medicare contributions of their employees to the SSS.

THE PRESIDENT directed Secretary Cesar Virata of Finance to look into the possibility of injecting more funds into the abaca industry revival program of the country. He issued the directive during the call of Josept N. Sbath, chairman of Polyres Ltd. and president of the Panamanian corporation helping the government to revive the industry in Davao. Mr. Sbath, who was accompanied by Ramon Arnaiz, informed the President that Col. Francisco Gomez of the Gomez Cellulose International Inc., has developed a high-yielding variety that

promises to place the Philippines back to its position as the world's major abaca producer. He also lauded the abaca stripping machine invented by Col. Gomez, which, he said, could revolutionize abaca fiber precessing.

FOREIGN tourist visitor in Manila from January to April this year have reached 184,199 arrivals representing a 47 per cent hike over the same period last year, the Department of Tourism announced. The biggest arrivals during the four-month period were Japanese, numbering 91,117. This represents an increase of 91 per cent compared with 47,673 arrivals during the same period last year. The next biggest arrivals were Balikbayans from overseas totalling 20,469, up by 25.6 per cent compared with last year's figure of 14,352.

May 16—

THE PRESIDENT issued three decrees providing for the proper exploitation and conservation of the nation's natural resources which he considers vital to the security of the Republic. He signed the decrees in the presence of a large delegation of ranking officials of the Department of Natural Resources headed by Secretary Jose Leido Jr. The delegation paid a courtesy call at Malacañang on the occasion of the department's first anniversary. The decrees issued by the President: 1) One providing for the rehabilitation of open and degraded lands through industrial forest plantations and tree farms, granting incentives therefor; 2) Another revising and consolidating all laws and decrees affecting fishing and fisheries so as to stimulate increased production of fish and at the same time ensure the wise utilization and conservation of marine resources; and 3) A third decree revising Presidential Decree No. 389, otherwise known as the Forestry Reform Code of the Philippines, so as to provide for the proper classification, management and utilization of lands of the public domain, and to maximize their productivity in order to meet the demands of an increasing population.

THE PRESIDENT ushered in a new era to systematize the construction and maintenance of farm-to-market roads by providing for better coordination between the national government and the local governments. Addressing the closing ceremonies of the 21st annual convention of the District and City Engineers League (DACL) at Maharlika Hall in Malacañang, the President announced the issuance of two presidential decrees; namely: 1) Amending the Department of Public Highways Act (P.D. No. 458) by creating the new Bureau of Barangay Roads; and 2) Amending the Special Highways Fund Act (R.A. No. 917) to provide a subsidy of 50 per cent of expected equipment rentals, whenever necessary; and the release of ₱2,500 per physical kilometer of existing feeder roads within the barangay areas, to be determined by the barangay council, without any counterpart release from the local government. The new Bureau of Barangay Roads, which is specifically charged with supervising the construction and maintenance of farm-to-market roads, in coordination with the barangay councils, will be headed by a director and an assistant director to be appointed by the President on recommendation of the secretary of public highways.

May 17—

THE PRESIDENT ordered the Fertilizer Industry Authority (FIA) to roll back retail prices of fertilizers by as much as 25 per cent. The substantial reduction in fertilizer prices will directly benefit both the foodcrop and export crop sectors under a newly-approved scheme which will cost the government about ₱350 million in direct subsidies for Fiscal Year 1975-76. The President's decision was described as "very

timely" in view of the advent this month of the planting season for the main rice crop this year.

LOCAL canned meat processors and traders assured consumers that prices of canned meat and raw meat products will not be increased despite the hike in petroleum prices. The assurance was made during a meeting convened by Agriculture Secretary Arturo R. Tanco Jr., at the Department of Agriculture in Quezon City. The meat processors, led by Pure Foods Inc., said their substantial inventory of low-priced Australian beef will enable them to absorb higher fuel prices "without increasing" the retail prices of canned meat products. The processors and traders, who control the sale of meat in the country, said that they have enough stocks to supply the country's needs for 12 weeks. They also said they are preparing a formal pledge to be presented to the President to the effect that they "will hold down retail prices of canned meat products at current levels for as long as permissible for the sake of consumers."

THE PHILIPPINES imported \$991 million worth of goods while it exported \$825,609,730, both figures representing the first four months of calendar year 1975. The \$164,613,125 difference apparently was caused by heavy imports, mostly capital goods for the country's infrastructure and industrialization program. These bureau of customs statistics were forwarded by Acting Customs Commissioner Pedro C. Mendoza Jr. Value of exported products last April amounted to \$234,661,839 with sugar as the number one export product with a combined value of \$90,147,493. Converted into pesos, the total four-month import value figures run up to P6.9 billion since monthly import bills amounted to an average of about P1.7 billion. Import value figures indicate that April registered the highest with P1.9 billion.

**MGA KAUTUSANG TAGAPAGPAGANAP, PAHAYAG AT
KAUTUSANG PANGPANGASIWAAN****(EXECUTIVE ORDERS, PROCLAMATIONS AND ADMINISTRATIVE ORDERS)****MALACAÑANG****RESIDENCE OF THE PRESIDENT OF THE PHILIPPINES
MANILA****LETTER OF INSTRUCTION No. 284****To: ALL HEADS OF DEPARTMENTS, AGENCIES AND
OFFICES OF THE GOVERNMENT AND OTHERS
CONCERNED.****SUBJECT: Further amending LOI No. 262, re Submission
by Public Officers of Statement of Assets, Liabilities
and Net Worth as of December 31, 1974.**

1. Paragraph 4 of Letter of Instruction No. 262, dated March 31, 1975, is hereby amended so as to extent the deadline for Armed Forces personnel engaged in field/combat operations to file their statements of assets, liabilities and net worth by two (2) months.

2. This Letter of Instruction shall take effect immediately.

Done in the City of Manila, this 6th day of June, in the year of Our Lord, nineteen hundred and seventy-five.

(Sgd.) FERDINAND E. MARCOS

President

Republic of the Philippines

MALACAÑANG**RESIDENCE OF THE PRESIDENT OF THE PHILIPPINES
MANILA****PRESIDENTIAL DECREE No. 706****APPROPRIATING FUNDS FOR THE RECLAMATION
OF THE DAGAT-DAGATAN LAGOON IN THE
PROVINCE OF RIZAL.**

WHEREAS, the Government in pursuance of its efforts to solve the housing and resettlement problems of the country, is committed to undertake the establishment of a harmonious, comprehensive, integrated and healthy living community through the reclamation of a 315-hectare portion of the Dagat-Dagatan Lagoon, Province of Rizal;

WHEREAS, the area to be reclaimed is intended not only as a site for a low-cost housing project but also for the establishment of an industrial zone that will give job opportunities to the residents thereof; and

WHEREAS, there is an immediate need to start the reclamation so as to enable the Government to construct low-cost housing in the Dagat-Dagatan area in the early part of 1976 in accordance with the project development plan;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby decree and order the appropriation of funds as follows:

SECTION 1. The amount of One Hundred Twenty Million Pesos (P120,000,000.00), or so much thereof as may be necessary, is hereby appropriated out of the general fund in the National Treasury not otherwise appropriated for the reclamation of the Dagat-Dagatan project in the Province of Rizal in connection with the establishment of a harmonious, comprehensive, integrated and healthy living community in the area.

SEC. 2. The appropriation herein authorized shall be understood to cover the cost of acquisition of construction equipment including motor vehicles.

SEC. 3. This Decree shall take effect immediately.

Done in the City of Manila, this 19th day of May, in the year of Our Lord, nineteen hundred and seventy-five.

(Sgd.) FERDINAND E. MARCOS

President

Republic of the Philippines

By the President:

(Sgd.) ALEJANDRO MELCHOR

Executive Secretary

MALACAÑANG

RESIDENCE OF THE PRESIDENT OF THE PHILIPPINES
MANILA

PRESIDENTIAL DECREE No. 707

AMENDING REPUBLIC ACT NUMBERED TWENTY
THREE HUNDRED AND THIRTY-EIGHT, EN-
TITLED, "AN ACT TO PROVIDE FOR REWARD
TO INFORMERS OF VIOLATIONS OF THE IN-
TERNAL REVENUE AND CUSTOMS LAWS".

I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree:

SECTION 1. The provisions of Section 1 of R.A. 2338, to the contrary notwithstanding, the reward authorized to be paid qualified informers shall be limited to the sum equivalent to five (5%) per centum of the realized revenues, surcharges, compromises and penalties established

by law, collected and accounted for as a result of the information furnished.

SEC. 2. All laws, acts, decrees, orders, and regulations inconsistent herewith are considered repealed and/or modified accordingly.

SEC. 3. This Decree shall take effect upon its approval.

Done in the City of Manila, this 27th day of May, in the year of Our Lord, nineteen hundred and seventy-five.

(Sgd.) FERDINAND E. MARCOS

President

Republic of the Philippines

By the President:

(Sgd.) ALEJANDRO MELCHOR

Executive Secretary

MALACAÑANG

RESIDENCE OF THE PRESIDENT OF THE PHILIPPINES
MANILA

PRESIDENTIAL DECREE No. 708

AMENDING THE PROVISIONS PERTINENT TO THE GRANT OF REWARD UNDER REPUBLIC ACT NO. 4712 AND REPUBLIC ACT NO. 4713, ENTITLED, "AN ACT AMENDING CERTAIN SECTIONS OF THE TARIFF AND CUSTOMS CODE OF THE PHILIPPINES" AND "AN ACT AMENDING CERTAIN SECTIONS OF COMMONWEALTH ACT NUMBERED FOUR HUNDRED SIXTY-SIX AS AMENDED, OTHERWISE KNOWN AS THE NATIONAL INTERNAL REVENUE CODE", RESPECTIVELY.

I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree:

SECTION 1. The provisions of Section 1 of R.A. No. 4712, and Section 5 of R.A. No. 4713, to the contrary notwithstanding, the amount to be paid to persons instrumental in the discovery and seizure of smuggled goods shall be limited to a cash reward equivalent to five (5%) per centum of the fair market value thereof.

SEC. 2. All laws, acts, decrees, orders, and regulations inconsistent herewith are deemed repealed and/or modified accordingly.

SEC. 3. This Decree shall take effect upon its approval.
Done in the City of Manila, this 27th day of May, in
the year of Our Lord, nineteen hundred and seventy-five.

(Sgd.) FERDINAND E. MARCOS
President
Republic of the Philippines

By the President:

(Sgd.) ALEJANDRO MELCHOR
Executive Secretary

MALACAÑANG
RESIDENCE OF THE PRESIDENT OF THE PHILIPPINES
MANILA

PRESIDENTIAL DECREE No. 709
CONVERTING THE BASILAN CITY HIGH SCHOOL
INTO A NATIONAL HIGH SCHOOL AND
AUTHORIZING THE APPROPRIATION OF FUNDS
THEREFOR.

WHEREAS, the improvement of secondary education is
one of the goals of the government's educational develop-
ment programs;

WHEREAS, the Basilan City High School is the only
public high school in the Province of Basilan serving both
Christian and muslim populations;

WHEREAS, the Basilan City Council and the Provincial
Board of the Province of Basilan have made strong rep-
resentation for the conversion of Basilan City High School
into a national high school funded by the National Govern-
ment to insure its continuous operations; and

WHEREAS, the conversion of Basilan City High School
into a national high school will enhance the government's
developments objectives for the province and city of Basi-
lan;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of
the Philippines, by virtue of the powers vested in me by
the Constitution, do hereby order and decree:

SECTION 1. The Basilan City High School in Basilan is
hereby converted into a national high school, to be known
as Basilan National High School.

SEC. 2. The Secretary of Education and Culture is here-
by authorized to reorganize said school accordingly.

SEC. 3. All equipment, property, assets and liabilities
of the said Basilan City High School shall be transferred
to the Basilan National High School, and any provisions
of law to the contrary notwithstanding, the tuition fees
of students shall accrue to the Basilan High School for its

operation and maintenance in addition to the sums appropriated by this Decree and those included in the Annual General Appropriation Decrees.

SEC. 4. The sum of Five hundred thousand pesos is hereby authorized to be appropriated out of any funds in the National Treasury not otherwise appropriated, for the conversion, operation and maintenance of said school during fiscal year nineteen hundred and seventy-five. Thereafter, such sums as may be needed for its operation and maintenance shall be included in the annual General Appropriation measure.

SEC. 5. This Decree shall take effect immediately.

Done in the City of Manila, this 27th day of May, in the year of Our Lord, nineteen hundred and seventy-five.

(SGD.) FERDINAND E. MARCOS

President

Republic of the Philippines

By the President:

(Sgd.) ALEJANDRO MELCHOR

Executive Secretary

MALACAÑANG

RESIDENCE OF THE PRESIDENT OF THE PHILIPPINES

MANILA

PRESIDENTIAL DECREE No. 710

NAMING THE INTERNATIONAL CONFERENCE CENTER BUILDING TO BE CONSTRUCTED BY CENTRAL BANK UNDER PRESIDENTIAL DECREE NO. 520 DATED JULY 23, 1974, AS THE PHILIPPINE INTERNATIONAL CONVENTION CENTER.

I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby decree and order that the International Conference Center to be constructed by the Central Bank of the Philippines pursuant to Presidential Decree No. 520, dated July 23, 1974, shall be named the Philippine International Convention Center.

This Decree shall take effect immediately.

Done in the City of Manila, this 27th day of May, in the year of Our Lord, nineteen hundred and seventy-five.

(Sgd.) FERDINAND E. MARCOS

President

Republic of the Philippines

By the President:

(Sgd.) ALEJANDRO MELCHOR

Executive Secretary

MGA KASULATAN AT DOKUMENTONG PANGKASAYSAYAN

(HISTORICAL PAPERS AND DOCUMENTS)

(EXTEMPORANEOUS SPEECH DELIVERED BY PRESIDENT MARCOS
AT THE NATIONAL CONVENTION OF RURAL BANKERS, MAHAR-
LIKA HALL, MALACANANG, MAY 29, 1975)

Governor Amado Briñas, whose introduction is one of the best I heard in many a day.

Parang tinamaan kasi nang kaunti ang Banko Sentral sa talumpati ng inyong pangulo. Hinihintay kong sumagot si Gobernador Briñas doon sa mga katanungan ng inyong Pangulong A. T. Romualdez ng Rural Bankers Association. Marahil kailangan ang panahon upang isiping mabuti ng Central Bank ang lahat ng mga hinihingi ng rural bankers.

Binabati ko rin ang tagapagpakilala ng tagapangulo ng kumbensiyon, Monsenyor Paulino at Kalihim Cesar Virata. Binabati ko po kayong lahat na mga haligi ng Rural Bankers Association.

Alam po ninyo, hindi sinasabi sa akin ng inyong pangulo kung ano ang kanyang bibigkasin ngayong umagang ito. Ako ay nagitla at pagkatapos ay biglang-biglang sinabing "Kami ay na-technical knockout." Teka kayo, wala pa. Tila ibinabalik sa akin ang aking mga kaisipan sa-pagka't ang wika ko, ang buong bansa ay humaharap sa krisis. Ngayon ang sagot naman niya ay "Ang buong Rural Bankers Association ay humaharap din sa krisis." Mukhang mahirap yata iyan.

Alam ninyo, mga kaibigan, tama nga iyong sinabi ng pangulo ng Rural Bankers Association. Ating ipinagmamalaki ang rural credit system ng Pilipinas. We have always been proud of our rural credit system. We always announce to the whole world that we are one of the first countries that set up an efficient rural credit system with the help of the supervised credit scheme of the Central Bank, Philippine National Bank, Rural Bank and the Land Bank.

Parati nating pinipintasan ang mga private commercial bank na hindi lumalahok sa mga pagpapautang sa mga magsasaka. We have always pointed to the fact that the rural credit system, the rural banks, constitute the main pillar for the agricultural reform program of the Philippines, because there is dislocation of credit in the rural areas arising out of the withdrawal of the old class of landlords from the lending groups by virtue of the land reform program.

When I restructured our agrarian system under Presidential Decree No. 27 to eliminate the feudalistic agrarian sys-

tem that we have and then in lieu thereof brought land to the tillers of the soil, we also eliminated a source of credit and that was the landlord. In lieu thereof, we hope to replace or we hope to restore as a new source of credit the rural banks.

Thus in starting Masagana programs 1, 2 and 3—now we are on the fourth, fifth—we had in mind the fact that the rural banks and the PNB would join hands to support the credit requirements of the farmers for the input. I gather that in Masagana 4, the total lending by the rural banks may have reached P853 million, the PNB—more than P900 million, a total of about P1.700 billion. This is Masagana 4.

The fact is that when I came here I asked Director Honesto Francisco—you will note that I confirmed all the figures that I have on the rural credit scheme—I called on the secretary of finance, and the governor of the Central Bank. And I am alarmed at one thing. I am alarmed by the fact that up to now the repayment of credits in Masagana 4 is only 46 percent. Forty-six percent means, of course bankruptcy. You lend out 100 and you are paid only 46, that doesn't make good business, does it?

Kaya pala naman umiiyak itong inyong pangulo. Ang pinagtatakhan ko, ang inyong pangulo na parati kong kasama kapag araw ng Sabado at Linggo at kami ay nangingisda o kaya ay naglalangoy, walang sinasabi sa akin kundi iyong padaplis na mga salita. Ang wika niya kamakailan lamang, "Marahil ay hindi na kami makakasama sa iyo." "Bakit?" "Wala na kaming pera sa rural bank, e." Hindi ko naman maunawaan sapagka't ang akala ko ay nagbibiro lang. Nguni't alam ko na ngayon na ang rural bank ay nagigipit at naghihirap.

Today, therefore, it is necessary as I told the secretary of finance, the governor of the Central Bank and Director Francisco that these long commonplaces and platitudes that we always repeat when we are here in these conferences, probably should be taken for granted as having been said: "I am for you, we will support you, we will go to the limit in helping you out." But the thing that we should do now is to provide an answer to the difficulties of the rural banks and the entire rural credit system.

Ang katotohanan niyan nang tanungin ko ang ating mga dalubhasa, governor ng Banko Sentral, Kalihim Virata, Direktor Francisco, ano ba ang magagawa natin? Papaano ba malulutas lahat itong sakit ng ulo natin sa rural bank? What have you been doing and what can we do now?

It is quite obvious that we have to help all of these people. In Masagana 4, how many rural banks were in-

volved? According to the figures, 489 rural banks were involved, ₱810.4 million was loaned to about 237,997 farmers. Kung sa mga figures man lang sana ay makuha na ang solution ay madali iyan. But what does this mean to all of us? This means, first of all, that we go to the root of the problem.

Actually, your president has indicated one of the primary causes and that is, that up to now the farmers think that your loans to them are merely doles or doleouts from the government and they don't need to pay them. Well, today, I would like to say that I am warning all those who, notwithstanding a good crop, have not paid back their loans. But those who suffered from fortuitous circumstances, or as lawyers call it, *force majeure*, like a typhoon or storm, floods, drought, pests and other natural calamities, will be helped.

There has been a proposal, for instance, that instead of repayment after a period of four months of the production loan it should be extended all the way to one year in a way of a commodity loan as recommended here also by your president, but that there should be commodities to back up the loan. Now this is being studied, and there should be, yes, a crop insurance as one of those being studied.

How about those who had good harvests and do not want to pay? What exactly have you done with these people?

When we established the New Society, we all agreed that we would be disciplined. Martial law is what it means. It is a law wherein we imposed individual and national discipline. But apparently, discipline is becoming too liberalized. I, therefore, warn today that if there are any of the borrowers who, notwithstanding a good harvest, have maliciously and deliberately refused to repay their loans, we will utilize the strong power of the state to enforce the repayment of the loan.

Ako ay namamanhik sa lahat ng ating mamamayan, sa lahat ng ating mga kasama sa agrarian reform movement lalung-lalo na ang lahat ng mga guminhawa ang buhay dahil sa pagbibigay ng lupa sa kanila, na huwag maglalabis ng kilos at gawa sapagka't walang mapipinsala kung hindi sila na rin. Kung kayo man ay nakikinig sa akin ngayon, hindi maaaring magpatuloy ang mga rural bank at Philippine National Bank ng pagpapautang na tulong sa inyo sa pagbubungkal ng inyong mga lupa, kung ang perang iyan ay hindi mababayaran upang maipautang uli. Kung mabubos ang perang ito na pantulong sa magsasaka sapagka't hindi binayaran ng nangutang, wala nang ipautang uli. Only up to a certain point can we subsidize the operations

of the farmers. Kayo na ang unang nakinabang sa agrarian reform. Kayo na ang nabigyan ng lupa tila hindi naman tamang hindi magbayad ng utang. Any inyong abang lingkod na inyong pinili bilang ama ng bansa ay gagawa ng hakbang. Ano ba ang gagawin ng ama kung malilikot at hindi tama ang gawain ng ating mga anak? Wala akong magagawa kung hindi parusahan nang kaunti lamang naman ang mga malilikot na anak. Parurusahan natin ang mga hindi nagbabayad ng kanilang mga utang sa rural banks, nguni't kailangang pag-aralan kung tunay ngang iyang mga taong iyan ay nagkaroon ng malaking ani at wala namang dahilan upang hindi magbayad at ang dahilan lamang ay iginigiit na sapagka't pera iyan ng pamahalaan, hindi na dapat isauli sa rural bank at sa Banko Nasyonal ng Pilipinas.

I hereby direct the creation of a committee to gather the names of all farmers who had a good harvest in Masagana 4 but who refused to pay their indebtedness. This list shall be given to the secretary of finance who shall confer with the secretary of national defense for appropriate action. Any malicious refusal to pay after notice to these farmers shall be considered a criminal offense punishable by law starting with arrest.

Kung maaari lang uulitin ko sa ating wika. Baka sabihin nila ay hindi nila nauunawaan ang sinabi ng Pangulo. Aking inuulit at ipinagbibigay-alam sa madla, sa lahat ng ating mamamayan, na aking ipinagbibiliñ ngayon sa mga ating rural banker, sa pamamagitan ni Direktor Francisco, sa pangulo ng Banko Nasyonal ng Pilipinas, at saka ang gobernador ng Banko Sentral at sa kanilang kinatawan na gawin ngayon ang listahan ng mga magsasaka na humiram ng pera sa mga rural bank na umani nang malaki at hindi naman napinsala ng ano mang bagay na kagaya ng baha, bagyo o ano mang pinsalang dulot ng kalikasan, at talagang ayaw nang magbayad ng utang bagaman may pera silang ibabayad upang ibigay kay Kalihim Virata ang listahang iyan. Puspusan namang sisiyasatin ni Kalihim Virata ang mga may utang at pagkatapos ibigay sa Kalihim ng tanggulang bansa na siyang magbibigay ng huling pagkakataon na bayaran ng mga umutang ang pananagutan nila. Pagkaraan ng mga pagkakataong ibinigay, ihahabla na ang mga taong iyan sa husgado nguni't ang unang gagawin ng kalihim ng tanggulang bansa ay darakpin ang mga taong iyan.

Hinihingi ko na huwag ninyong pilitin ang ating pamahalaan na gumawa ng marahas na hakbang. Namamanhik ako sa ating mga mamamayan. Kung nakikinig kayo sa inyong abang lingkod, sa inyong piniling ama ng bansa, kung maaari huwag ninyong pilitin na tayo'y dumating pa

sa kalagayang mapipilitan ang kalihim ng tanggulang bansa at ang kostabularya na dakpin ang lahat ng mga umutang na hindi nagbayad. Kung maaari ay sa loob ng buwan na susunod, Hunyo, bayaran na natin ang mga utang na iyan. Huwag nating hintayin, mga kaibigan, na tayó ay magkagalit sa bagay na ito.

Ikalawa, iyon namang mga napinsala ng baha, bibigyan naming ng pagkakataon upang makabayad. Pag-aaralan kung iyang mga utang ng iyan ay mababayaran pagkatapos ng ilang taon. Tila tatlong taon ang palugit na ibibigay sa kanila ng Banko Sentral. Nguni't sa loob ng tatlong taong iyan, tutulungan ang mga rural banker, sapagka't ang perang iyan ay ipinautang ng mga rural bankers. Aywan ko kung magkano ang aabuting halaga, nguni't kailangan ng Central Bank ang magpaluwal at magpahiram sa ating mga rural bank. Pansamantala lang naman iyan, sapagka't iyan ay payo o mungkahi ng Central Bank kaya Central Bank ang dapat magbigay ng tulong.

I order the secretary of finance to see the implementation of this order. Kaya naririto ang kalihim ng pananalapi.

Ngayon, balita ko pati tila mayroong hindi pagkaka-unawaan ang mga Samahang Nayon at ang mga rural bankers. Sapagka't iyong Samahang Nayon daw, inaalís ang five percent deposit at sapilitang impok sa utang sa rural bank. Totoo ba iyan? They are withdrawing the five percent. Well, I hereby order the secretary of finance to see to it that the secretary of local government and community development takes action on this to prevent the withdrawal of the five percent forced deposit pending the final determination of the financial capabilities of each and every rural bank.

I repeat, ulitin nga natin, out of the ₱1,700,000,000 lent out under Masagana 4, only 46 percent has been repaid. This means that the greater volume of indebtedness remains unpaid. We are not saying that all of these are maliciously held back and that they are mischievous or malicious defaulters in debt. Perhaps many of them cannot pay because of natural calamities.

For those who cannot pay because of natural calamities and other fortuitous circumstances, the government must extend a helping hand and they will be given a helping hand by restructuring their loans, giving them a period of three years within which to pay.

For those who have mischievously, maliciously and deliberately refused to pay this legitimate loan and indebtedness after the notices that will be given, the state will take strong measures in order to bring about this payment.

I am appealing to everybody including the local governments, the barangay heads, the barangay councilors to convey this message to each and everyone, that I will not allow the destruction of the rural credit system and the rural banking system by this malicious and mischievous refusal to pay indebtedness.

I call upon every government official, officer and employee, whether in the civil government or in the military to cooperate in this endeavor. I repeat the importance of the rural credit system. I reiterate the crucial role played by the rural banking system. It is now necessary that we extend a strong arm to support this scheme and this organization.

I would like to ask the rural bankers to submit to me any report which indicate that there is any officer, whether in the national government or in the local government, whether in the civil government or in the military, who is sabotaging or undermining this effort on the part of the government to advance the rural credit system of the Philippines. I would like you to pass this information through your president or through the director and through this committee that has been created. I repeat, this committee is composed of Director Francisco, the president of the Philippine National Bank, the governor of the Central Bank or their representatives. The chairman will be the governor of the Central Bank. I shall expect from them periodic reports as to the status of the rural credit system and the rural banking system in the Philippines.

Ang suliraning ito ay personal kong haharapin upang ipakita sa inyo ang kahalagahan at upang maliwanagan ang kaisipan ng lahat ng mga mamamayan. Aking bini-bilang ang rural banking system at saka rural credit system na isa sa nangungunang kailangan alagaan ng pamahalaan at ng inyong abang lingkod. Kaya't ako ang personal ngayong hahawak nitong suliraning ito at ang magrereport sa akin ay ang gobernador ng Central Bank.

Now in order that we can, at the same time, attend to some other requirements of financing of the agrarian reform program, while there is this instability in the rural banking program, I hereby sign a Presidential Decree providing an agrarian reform credit and financing system for agrarian reform beneficiaries, through government and private banking institutions; namely, tillers, tenants, farmers, settlers, agricultural lessees, amortizing owners, owner cultivators, farmers, cooperatives and compact farms. This shall include production or other types of loans for the acquisition of work animals, farm equipment, machineries, seeds, fertilizers, poultry, livestock, feeds and lands authorized under

the Agrarian Reform Code of the Philippines, construction or acquisition of facilities for production, processing, storage and marketing, and for the efficient and effective merchandizing of agricultural commodities stored and/or processed by these facilities.

All banking institutions, whether government or private, shall set aside at least 25 percent of their loanable funds for agricultural credit in general, of which at least 10 percent of the loanable funds shall be made available for agrarian reform credit to beneficiaries mentioned in Section 1 of the decree. The law before this—Section 34 of Republic Act No. 6389—required all lending institutions, public and private, to set aside at least 25 percent of their loanable funds and make the same available for agricultural lessees, owner-cultivators, amortizing ownership, and cooperatives. According to the Central Bank, the amount set aside under this provision, as of Dec. 31, 1974, would be ₱8 billion and would increase with the increase of funds available from the different banks.

Now instead of lending completely the 25 percent, we will limit it to 10 percent. Loanable funds, as used in this section, shall refer to funds generated from the date of effectivity of this decree, provided, and this is one of the things that will allow more flexibility, the National Economic and Development Authority may increase or decrease such percentages whenever so recommended by the Department of Agrarian Reform and the Central Bank of the Philippines, taking into consideration the magnitude of the credit needs of the beneficiaries of agrarian reform. The Central Bank will issue the rules and regulations. So, it becomes more flexible and there is a rationalization of eligible credit, and the applicability of the requirement is limited to banks.

In your presence, therefore, today I sign this decree which transfers some of the burden from the rural banks to the commercial bank of the Philippines.

At the same time, I hereby direct that the secretary of finance computerize the list of borrowers from rural banks and the Philippine National Bank and the other banking institutions to avoid duplication of loans. I also request the secretary of finance and the Central Bank to submit to me a recommendation to make it punishable for anyone to misrepresent the amount of loans that have been extended to them by the banking institutions of the Philippines, so that it becomes a criminal offense in view of the fact that this application should contain a statement of the available credit that has been extended to them and this shall be

under oath. If it's under oath, it shall be punishable as a crime to falsify such a document.

In the meantime, however, I can see that the rural banks are in need of further help. I would like to repeat—baka akala ng gobernador ng Central Bank na ako'y nagpapatawa lamang nang sabihin kong tulungan natin ang rural banks hanggang hindi nababayaran ang mga utang na iyan. Ako'y naniniwala na walang magagawa iyang ating mga rural banks, while this 46 percent repayment is not increased. So until this is increased, I would like a report from the Central Bank of the Philippines and the secretary of finance as to what aid can be extended to the rural banks during this period that we are recovering all of these loans. Sabi nga ng inyong pangulo TKO, hindi naman naghihi-ngalo, TKO lang naman ang sinabi. Nguni't, kung TKO ang ibig sabihin niyon hindi dumapa pero dadapa na. Kaya't hanggang hindi pa dumadapa, Governor Briñas, tulungan na natin sila at alalayan nang kaunti.

I would like your president to now meet with Director Francisco, the secretary of finance and the governor of the Central Bank to find out to what extent of aid we can give to rural banks while they are, as you say, in extremis. Marahil, labis nang kaunti iyong TKO, nguni't masarap pakinggan, ano po? Nahahalata ko palakpak kayo nang palakpak kanina. Ngayon pa lamang napalakpakan ang pangulo ng Rural Bankers Association. Hindi gaanong pinakikinggan at pinapalakpakan lang pagkatapos ng talumpati. Ngayon, siguro sampung beses ninyong pinapalakpakan.

I would like the governor of the Central Bank and the secretary of finance to report to me what kind and form and manner of aid has been extended or will be extended to the Rural Banks of the Philippines. I hope that your convention this year is like the crisis the world is facing today—the crisis of inflation, the crisis of recession. We have reached the worst and there is no way except up. Iyan ang parating sinasabi ng mga economic experts. Kapag itinanong mo sa kanila, ano ang maaaring mangyari ngayon? Ayaw sumagot nang tuwiran sapagka't pati sila ay nag-aalinlangan. Hindi nila malaman kung ano ang mangyari. Ang sagot na lagi: "Naroon na po kayo sa kailalim-ilaliman at wala nang ibang paroroonan kundi pataas uli." So we have reached the bottom. Tayo ay umabot na sa ilalim. Sumisid na tayo at tayo ngayon ay paakyat na. Kaya't itigil na natin ang pag-iyak at magpatuloy na muli. This does not mean that we are going to stop the rural credit system. That's what I want them to emphasize. We expect trouble, we expect problems, we expect obstacles,

but these are not going to stop us from continuing with the agrarian reform program. I want to emphasize to you that all the more am I convinced that it is necessary that we bind together, it is necessary that we return to the strict discipline of the early days of the New Society.

Ang katotohanan niyan, tila tayo ay tumabang lahat sapagka't dumami ang pagkain. Wala na namang kaba at takot ang ating mga mamamayan. Inuulit ko na hindi na kailangang sabihin, mga kaibigan, nakaharap pa tayo sa krisis ng recession at inflation. The economic crisis is still with us. It is still with the whole world. It has been complicated by the crises of security arising out of the Indochina debacle; we are now reviewing all our security arrangements not only with the United States but also with other countries.

We may probably be meeting in the summit conference with ASEAN friends and allies which include, of course, Indonesia, Singapore, Malaysia, and Thailand, and we are, of course, aiming at normalization of relations with socialist countries including the People's Republic of China and Soviet Russia. We are busy spending our time in communication with the Middle East and Arab countries, Africa and South America.

You can see, therefore, that while there are dangers that threaten us from outside, our true salvation is still self-reliance, especially food. Food production, agricultural reform, therefore, acquires a double of priority not only because it means security. It does not only mean comfort, it does not only mean our capability to stave off hunger but the agrarian reform program must succeed, and it is dependent on rural credit; unless it succeeds, our security problems will be compounded. I have repeatedly said that the danger that will threaten us in the future will not come from outright aggression, from any adversary. The stronger nation now will acquire the more sophisticated capability of exporting war, without participating openly in it. It is called by many names, subversion, massive infiltration, outside support. Call it what you may, it is internal war and internal war depends upon indigenous persons, indigenous groups of rebels. But they try only in the event of economic difficulties.

I therefore, feel that economic development and security are different signs but of the same color. And, therefore, you play a very crucial role in this, our fight. We are still fighting for the heart and the minds of people not just for military victory. This is true in the South, this is true in the southern secessionist movement, this is true in our fight against rightist reactionaries or leftist radicals. I don't

know what they are talking about. It is true with respect to these disoriented and unrooted rebels.

Those who feel that there is no hope for them in this world, we must offer them a stake in the Republic, and we have started with the greater portion of our population—the farmers.

We cannot, I repeat, lie down whenever we meet any obstacle or discouragement or resign ourselves to defeat. This had been the history of our country. This had been the history of political leadership in this country from as far back as the Spanish times. It shall not be repeated under the New Society.

We, you and I, are pledged that we shall move forward. And I know, as your president has pledged, that you await your mission order. The mission order is simple: Let us overcome this obstacle and let us move forward.

Thank you and good day.

MGA HATOL NG KATAAS-TAASANG HUKUMAN
(DECISIONS OF THE SUPREME COURT)

[L-19872. December 3, 1974]

SECOND DIVISION

EMILIANO B. RAMOS, et al., plaintiffs-appellants, *vs.*
GREGORIA T. RAMOS, et al., defendants-appellants.

Humberto V. Quisumbing and *Maximino M. San Diego*
and *Felix D. Bacabac* for the plaintiffs and appellants.

Hilado & Hilado for the defendants and appellants.

PETITION FOR REVIEW of the decision of the Court
of First Instance of Negros Occidental. *Fernandez J.*

SYNOPSIS

In 1913, the Probate Court approved the project of partition of the estate of spouses, Martin Ramos and Candida Tanate. The project of partition was duly signed by the legitimate children of the spouses, on one hand, and the acknowledged natural children of Martin Ramos, or their representative, on the other. More than 40 years later, plaintiffs, as acknowledged natural children, sought to recover some of the lands from defendant, the legitimate children of deceased, on the theory that their shares were held in trust for plaintiffs by defendants.

The trial court dismissed the complaint on the ground of *res judicata*. Plaintiffs and defendants appealed. Plaintiffs contend that *res judicata* should not bar their action. Defendants appealed insofar as the lower court's decision ignored their counterclaim for moral damages and attorney's fees.

Judgment affirmed. Defendant's counterclaim for damages and attorney's fees is dismissed.

SYLLABUS

of the Ruling of the Court

1. PATERNITY AND FILIATION; ACKNOWLEDGED NATURAL CHILDREN; POSSESSION OF STATUS OF NATURAL INFERRED FROM DIRECT ACTS OF DECEASED AND HIS FAMILY.—It is true that the acknowledgment of plaintiffs is not evidenced by a record of birth, will or other public document (Art. 131, Old Civil Code). But the record of the probate court indubitably shows that plaintiffs were treated as acknowledged natural children of deceased. The reasonable inference is that they were in continuous possession of the status of natural children of deceased as evidenced by his direct acts and the acts of his family.
2. *Id.*; *Id.*; *Id.*; HEIRS OF DECEASED ESTOPPED FROM ATTACKING PLAINTIFFS' STATUS AS ACKNOWLEDGED NATURAL CHILDREN.—Unacknowledged natural children have no rights whatsoever. But the fact that plaintiffs, as natural children of deceased, received shares in his estate implies that they were acknowl-

edged. Obviously, the heirs of deceased accorded successional rights to plaintiffs because deceased and the members of his family had treated them as his children. Under the circumstances the heirs of deceased are estopped from attacking plaintiffs' status as acknowledged natural children. (Arts. 283 [4] and 2266 [3] New Civil Code).

3. TRUSTS; DEFINITION.—In its technical legal sense, a trust is defined as the right, enforceable solely in equity, to the beneficial enjoyment of property, the legal title to which is vested in another, but the word 'trust' is frequently employed to indicate duties, relations, and responsibilities which are not strictly technical trusts.
4. ID.; FIDUCIARY RELATIONSHIP BETWEEN TRUSTEE and *Cestui Que Trust*.—A person who establishes a trust is called the trustor; one in whom confidence is reposed is known as the trustee; and the person for whose benefit the trust has been created is referred to as the beneficiary. There is a fiduciary relation between the trustee and the *cestui que trust* as regards certain property, real, personal, money or choses in action.
5. EXPRESS TRUSTS; DEFINITION.—Express trusts are created by the intention of the trustor or of the parties. Implied trusts come into being by operation of law. No express trusts concerning an immovable or any interest therein may be proven by oral evidence. An implied trust may be proven by oral evidence.
6. ID.; CREATED BY DIRECT AND POSITIVE ACTS OF PARTIES.—No particular words are required for the creation of an express trust, it being sufficient that a trust is clearly intended. Express trusts are those which are created by the direct and positive acts of the parties, by some writing or deed, or will, or by words either expressly or impliedly evincing an intention to create a trust.
7. IMPLIED TRUSTS; DEFINITION.—Implied trusts are those which, without being expressed, are deducible from the nature of the transaction as *matters of intent*, or which are superinduced on the transaction by *operation of law as matters of equity*, independently of the particular intention of the parties. They are ordinarily subdivided into resulting and constructive trusts.
8. RESULTING TRUST; DEFINITION.—A resulting trust is broadly defined as a trust which is raised or created by the act or construction of law, but in its more restricted sense it is a trust raised by *implication of law and presumed always to have been contemplated by the parties*, the intention as to which is to be found in the nature of their transaction, but not expressed in the deed or instrument of conveyance.
9. CONSTRUCTIVE TRUST; DEFINITION; DISTINGUISHED FROM RESULTING TRUST.—A construction trust is a trust raised by construction of law, or arising by operative of law. In a more restricted sense and as contradistinguished from a resulting trust, a constructive trust is a trust not created by any words, either expressly or impliedly evincing a direct intention to create a trust, but by *the construction of equity in order to satisfy the demands of justice*. It does not arise by agreement or intention but by operation of law. If a person obtains legal title to property by fraud or concealment, courts of equity will impress upon the title a so-called constructive trust in favor of the defrauded party. A constructive trust is not a trust in the technical sense.

10. TRUSTS; PRESCRIPTION; TRUSTEE CANNOT ACQUIRE BY PRESCRIPTION OWNERSHIP OF PROPERTY ENTRUSTED TO HIM.—The rule is that a trustee cannot acquire by prescription the ownership of property entrusted to him, or that an action to compel a trustee to convey property registered in his name in trust for the benefit of the *cestui qui trust* does not prescribe, or that the defense of prescription cannot be set up in an action to recover property held by a person in trust for the benefit of another, or that property held in trust can be recovered by the beneficiary regardless of the lapse of time.
11. ID.; ID.;—That rule applies squarely to express trusts. The basis of the rule is that the possession of a trustee is not adverse. Not being adverse, he does not acquire by prescription the property held in trust. Thus, section 38 of Act 190 provides that the law of prescription does not apply in the case of a continuing and subsisting trust.
12. ID.; WHEN RULE OF IMPRESCRIPTIBILITY DOES NOT APPLY.—The rule of imprescriptibility of the action to recover property held in trust may possibly apply to resulting trusts as long as the trustee has not repudiated the trust.
13. ID.; ACQUISITIVE PRESCRIPTION MAY BAR ACTION OF FIDUCIARY TO RECOVER PROPERTY HELD IN TRUST; REQUISITES.—Acquisitive prescription may bar the action of the beneficiary against the trustee in an express trust for the recovery of the property held in trust where (a) the trustee has performed unequivocal acts of repudiation amounting to an ouster of the *cestui qui trust*; (b) such positive acts of repudiation have been made known to the *cestui qui trust* and (c) the evidence thereon is clear and conclusive.
14. ID.; NO EXPRESS TRUST IN THE INSTANT CASE.—The expediente of the intestate proceeding, Civil Case No. 217 particularly the project of partition, the decision and the manifestation as well as the receipt of shares, negatives the existence of an express trust. A trust must be proven by clear, satisfactory and convincing evidence. It cannot rest on vague and uncertain evidence or on loss, equivocal or indefinite declarations. It cannot be proven by parol evidence.
15. ID.; EXTINCTIVE PRESCRIPTION.—Under Act No. 190 (Art. 116, Civil Code), the longest period of extinctive prescription was only ten years. Considering the ages of the plaintiffs, the instant action is unquestionably barred by prescription and res-judicata. They allowed more than forty years to elapse before they woke up and complained that they were such aggrieved by the partition. Under the circumstances, their claim can hardly evoke judicial compassion. *Vigilantibus et non dormientibus jura subveniunt.*
16. JUDGMENTS; RES JUDICATA; JUDICIAL DECREE OF DISTRIBUTION VESTS TITLE IN DISTRIBUTEES.—In connection with the *res judicata* aspect of the case, it may be clarified that in the settlement of a decedent's estate it is not *de rigueur* for the heirs to sign a partition agreement. It is the judicial decree of distribution, once final, that vests title in the distributees.
17. ID.; NATURE OF JUDGMENT OF A PROBATE COURT.—A judgment in an intestate proceeding may be considered as a judgment *in rem*. As such, if the decree of distribution was erroneous or not in conformity with law or the testament, the same should be corrected by opportune appeal; but once it had become final, its binding effect is like that of any other

judgment in rem, unless properly set aside for lack of jurisdiction or fraud.

18. DAMAGES; ADVERSE RESULT OF ACTION DOES NOT *PER SE* SUBJECT ACTOR TO MORAL DAMAGES.—The worries and anxiety of a defendant in a litigation that was not maliciously instituted are not the moral damages contemplated under Articles 2219 and 2220 of the Civil Code. The adverse result of an action does not per se make the act wrongful and subject the actor to the payment of moral damages. The law could not have meant to impose a penalty on the right to litigate; such right is so precious that moral damages may not be charged on those who may exercise it erroneously.
19. ATTORNEY'S FEES; NOT ALLOWABLE WHERE ACTION IS INSTITUTED IN GOOD FAITH.—Where it cannot be asseverated with dogmatic finality that plaintiffs' action was manifestly unfounded or was maliciously filed to harass and embarrass the defendant, or where plaintiffs honestly thought that they had a good cause of action and acted in evident good faith, the claim for attorney's fees does not lie. It is not a sound public policy to set a premium on the right to litigate. An adverse decision does not ipso facto justify the award of attorney's fees to the winning party.
20. DAMAGES; EXEMPLARY DAMAGES; CLAIM CANNOT BE GRANTED WHERE NO COMPENSATORY DAMAGES HAVE BEEN AWARDED.—Where no compensatory and moral damages have been awarded, defendant's claim for exemplary damages, which was ventilated for the first time in their appellants' brief, may be as an afterthought, cannot be granted. (Art. 2229, Civil Code.)

OPINION OF THE COURT

AQUINO, J.:

The parties appealed from the decision of the Court of First Instance of Negros Occidental, dismissing plaintiffs' complaint and holding that the intestate estate of Martin Ramos was settled in Civil Case No. 217, which was terminated on March 4, 1914, and that the judgment therein is *res judicata* and bars any litigation regarding the same estate (Civil Case No. 4522).

The documentary evidence reveals the following facts:

The spouses Martin Ramos and Candida Tanate died on October 4, 1906 and October 26, 1888, respectively. They were survived by their three legitimate children named Jose, Agustin and Granada. Martin Ramos was also survived by his seven natural children named Atanacia, Timoteo, Modesto, Manuel, Emiliano, Maria and Federico.

On December 10, 1906 a special proceeding was instituted in the Court of First Instance of Negros Occidental for the settlement of the intestate estate of the said spouses. The case was docketed as Civil Case No. 217 (its *expediente* is still existing). Rafael O. Ramos, a brother of Martin, was appointed administrator. The estate was administered for more than six years (Exh. F, G, H, I and J).

A project of partition dated April 25, 1913 was submitted. It was signed by the three legitimate children, Jose, Agustin and Granada; by the two natural children, Atanacia and Timoteo, and by Timoteo Zayco in representation of the other five natural children who were minors. It was sworn to before the justice of the peace (Exh. 3).

In the project of partition the conjugal hereditary estate was appraised at P74,984.93. It consisted of eighteen parcels of land, some head of cattle and the advances to the legitimate children (Exh. 3).

Under that project of partition, the following adjudications were made to the heirs:

<i>Legitimate Children:</i>	<i>Value</i>
1. To <i>Jose Ramos</i> : (a) Hacienda Calaza with an area of 328 hectares, (b) a one-hectare town lot, (c) a 23-hectare lot in Sitio Binigig, and (d) some head of cattle	P25,291.66
2. To <i>Granada Ramos</i> : (a) a parcel of riceland with a capacity of 16 cavans of seedlings, located in Barrio Binicuel, Kabankalan, Negros Occidental and (b) some head of cattle	1,891.66
3. To <i>Agustin Ramos</i> : (a) the remaining fourteen (14) lots out of the eighteen lots described in the inventory, which included the Hacienda Ylaya with an area of 185 hectares and (b) some head of cattle	36,291.68
<i>Natural Children:</i>	
4. To <i>each</i> of the seven (7) natural children named <i>Atanacia, Modesto, Timoteo, Federico, Manuel, Emiliano</i> and <i>Maria</i> , were adjudicated personal properties valued at P1,785.35 consisting of (a) cash amounting to P1,760.35 and (b) P25, representing a one-seventh (1/7) of a one-sixth (1/6) portion in certain head of cattle allegedly representing one-third of the free portion of the estate of Martin Ramos, with an aggregate value of	12,497.51
Total adjudications	P75,972.51

It was agreed in the project of partition that Jose Ramos would pay the cash adjudications to Atanacia, Timoteo and Manuel, while Agustin Ramos would pay the cash adjudications to Modesto, Federico, Emiliano and Maria. It was further agreed that Jose Ramos and Agustin Ramos would pay their sister, Granada, the sums of P3,302.36 and P14,273.78, respectively (Exh. 3).

The record does not show whether assessed or market values were used in appraising the eighteen parcels of land. By way of explanation, it may be stated that, inasmuch as the ganancial estate had an appraised value of P74,984.93, one-half thereof or the sum of P37,492.46 represented the estate of Martin Ramos. One-third thereof was the free portion or P12,497.48. The shares of the seven natural

children were to be taken from that one-third free portion. Dividing P12,497.48 by seven gives a result of P1,785.35 which represented the one-seventh share of each natural child in the free portion of the estate of their putative father, Martin Ramos. The partition was made in accordance with the old Civil Code which provides:

"ART. 840. When the testator leaves legitimate children or descendants, and also natural children, legally acknowledged, each of the latter shall be entitled to one-half of the portion pertaining to each of the legitimate children not bettered, provided that it can be included within the third for free disposal, from which it must be taken, after deducting the burial and funeral expenses.

"The legitimate children may satisfy the portion pertaining to the natural children in cash, or in other property of the estate, at a fair valuation."

The sum of P1,785.35, as the legal share of each natural child, was the amount which was indicated in the project of partition (Exh. 3) and which was to be satisfied in cash. The second paragraph of article 840 gives the legitimate children the right to satisfy in cash the hereditary portions of the natural children. (Article 840 was applied in the project of partition when it stated that each natural child had "una septima parte de un sexto de semovientes" but the statement in the project of partition that each legitimate child was entitled to "un tercio de los cinco quintos de los semovientes" is erroneous. It should be "un tercio de los cinco sextos de los semovientes").

Judge Richard Campbell, in his "decision" dated April 28, 1913, approved the project of partition as well as the intervention of Timoteo Zayco as guardian of the five heirs, who were minors. The court declared that the proceeding would be considered closed and the record should be archived as soon as proof was submitted that each heir had received the portion adjudicated to him (Exh. 4).

In an order dated February 3, 1914 Judge V. Nepomuceno asked the administrator to submit a report, complete with the supporting evidence, showing that the shares of the heirs had been delivered to them as required in the decision of April 28, 1913 (Exh. 5). In a manifestation dated February 24, 1914, which was signed by Jose, Agustin, Granada, Atanacia and Timoteo, all surnamed Ramos, and by Timoteo Zayco, the guardian, and which was sworn to before the justice of the peace on March 2 (not 4), 1914 and filed in court on March 5, 1914, they acknowledged:

"* * * hemos recibido del Administrador Judicial Rafael O. Ramos todas y cada una de las participaciones a que respectivamente tenemos derecho en los bienes relictos de los finados esposos Martin Ramos y Candida Tanate, de completo acuerdo y conformidad con el proyecto de repartición que nosotros mismo sometemos al Juzgado en 25 de Abril de 1913." * * * (Exh. 6).

Note that Granada Ramos and the natural children were assumed to have received their shares from the administrator although according to the project of partition, Jose Ramos and Agustin Ramos (not the administrator) were supposed to pay the cash adjudications to each of them. No receipts were attached to the manifestation, Exhibit 6. Apparently, the manifestation was not in strict conformity with the terms of Judge Nepomuceno's order and with the project of partition itself.

Lots Nos. 1370, 1371, 1372, 1375, 2158, 2159, 2161 and 2163 (eight lots) of the Himamaylan cadastre (page 8 of the Record on Appeal does not mention Lot 1370), which are involved in this case were registered (as of 1958) in equal shares in the names of Gregoria Ramos and her daughter, Granada Ramos, as shown below (Exh. 8):

Lot No.	Original Registration	Present Title	Date
1370	Aug. 29, 1923	TCT No. RT-2238	Dec. 1, 1933
1371	-do-	TCT No. RT-2235	-do-
1372	-do-	TCT No. RT-2237	-do-
1375	-do-	TCT No. RT-2236	-do-
2158	Sept. 10, 1923	TCT No. RT-2230	-do-
2159	-do-	TCT No. RT-2233	-do-
2161	-do-	TCT No. RT-2232	-do-
2163	-do-	TCT No. RT-2231	-do-

Plaintiffs' version of the case.—A summary of plaintiffs' oral evidence is found in pages 4 to 13 of their well-written brief. It is reproduced below (omitting the citations of the transcript):

"Martin Ramos, who died in 1906 in the municipality of Himamaylan, Negros Occidental, left considerable real estate, the most valuable of which were the Hacienda Calaza and Hacienda Ylaya, both located in Himamaylan, Negros Occidental. Hacienda Calaza consists of sugar land, palay land and nipa groves with an area of 400 hectares and with a sugar quota allotment of 10,000 piculs, more or less, and having as its present actual value of ₱500,000 more or less.

"All the children of Martin Ramos, whether legitimate or acknowledged natural, lived together in Hacienda Ylaya during his lifetime and were under his care. Even defendant Gregoria Ramos, widow of Jose Ramos, admitted that she dealt with plaintiffs as family relations, especially seeing them during Sundays in church as they lived with their father, and maintained close and harmonious relations with them even after the death of their father. All said children continued to live in said house of their father for years even after his death.

"Upon their father's death, his properties were left under the administration of Rafael Ramos, the younger brother of their father and their uncle. Rafael Ramos continued

to administer those properties of their father, giving plaintiffs money as their shares of the produce of said properties but plaintiffs not receiving any property or piece of land however, until 1913 when Rafael Ramos gathered all the heirs, including plaintiffs, in the house of their father, saying he would return the administration of the properties. He turned over Hacienda Ylaya to Agustin Ramos and Hacienda Calaza to Jose Ramos.

"All said children, defendants and plaintiffs alike, continued to live in the same house of their father in Hacienda Ylaya, now under the support of Agustin Ramos. Plaintiff Modesto Ramos who 'could understand Spanish a little,' only left said house in 1911; plaintiff Manuel stayed there for one year and lived later with Jose Ramos for four years. Plaintiff Maria Ramos, who herself testified that she has 'a very low educational attainment,' lived there until 1916 when she got married. Plaintiff Emiliano lived there with Agustin, helping him supervise the work in Hacienda Ylaya, until he transferred to Hacienda Calaza where he helped Jose Ramos supervise the work in said hacienda.

"Agustin Ramos supported plaintiffs, getting the money from the produce of Hacienda Ylaya, the only source of income of Agustin coming from said hacienda. Plaintiffs asked money from Agustin pertaining to their share in the produce of Hacienda Ylaya and received varied amounts, sometimes around ₱50 at a time, getting more when needed, and receiving ₱90 or ₱100 more or less a year.

"Jose Ramos gave plaintiffs also money as their shares from the products of Hacienda Calaza. Even Maria Ramos who upon her marriage in 1916 lived in La Carlota with her husband was given money whenever she went to Himamaylan. Plaintiffs received varied amounts or sums of money from Jose as their shares in the produce of Hacienda Ylaya more or less about ₱100 a year, mostly during the milling season every year while he was alive up to his death in 1930. Emiliano Ramos, now deceased and substituted by his widow, Rosario Tragico, moreover, received ₱300 from Jose Ramos in 1918 taken from the products of Hacienda Calaza when he went to the United States to study.

"Upon Jose Ramos' death his widow Gregoria Ramos, herself, his first cousin, their father and mother, respectively being brother and sister, continued to give plaintiffs money pertaining to their shares in the products of Hacienda Calaza. She however stopped doing so in 1951, telling them that the lessee Estanislao Lacson was not able to pay the lease rental.

"There was never any accounting made to plaintiffs by Jose Ramos, plaintiffs reposing confidence in their elder

brother. Nor was any accounting made by his widow, defendant Gregoria Ramos, upon his death, plaintiff Manuel Ramos moreover having confidence in her.

"Before the survey of these properties by the Cadastral Court, plaintiff Modesto Ramos was informed by the Surveying Department that they were going to survey these properties. Plaintiffs then went to see their elder brother Jose to inform him that there was a card issued to them regarding the survey and gave him 'a free hand to do something as an administrator'. They therefore did not intervene in the said cadastral proceedings because they were promised that they (defendants Jose and Agustin) would 'be the ones responsible to have it registered in the names of the heirs.' Plaintiffs did not file any cadastral answer because defendants Jose and Agustin told them 'not to worry about it as they have to answer for all the heirs'. Plaintiffs were 'assured' by defendants brothers.

"Plaintiffs did not know that intestate proceedings were instituted for the distribution of the estate of their father. Neither did plaintiffs Modesto, Manuel, Emiliano and Maria know (that) Timoteo Zayco, their uncle and brother-in-law of defendant widow Gregoria was appointed their guardian. There was an express admission by defendant Gregoria Ramos that Timoteo Zayco was her brother-in-law.

"Plaintiffs did not know of any proceedings of Civil Case No. 217. They never received any sum of money in cash—the alleged insignificant sum of ₱1,785.25 each—from said alleged guardian as their supposed share in the estate of their father under any alleged project of partition.

"Neither did Atanacia Ramos nor her husband, Nestor Olmedo, sign any project of partition or any receipt of share in (the) inheritance of Martin Ramos in cash. Nestor Olmedo did not sign any receipt allegedly containing the signatures of Atanacia assisted by himself as husband, Timoteo Ramos, and Timoteo Zayco as guardian *ad-litem* of the minors Modesto, Manuel, Federico, Emiliano and Maria. As a matter of fact, plaintiffs Modesto and Manuel were in 1913 no longer minors at the time of the alleged project of partition of the estate being approved, both being of age at that time. No guardian could in law act on their behalf.

"Plaintiffs only discovered later on that the property administered by their elder brother Jose had a Torrens Title in the name of his widow, Gregoria, and daughter, Candida, when plaintiff Modesto's children insisted and inquired from the Register of Deeds sometime in 1956 or 1957. Plaintiffs did not intervene in the intestate pro-

ceedings for (the) settlement of the estate of their brother Jose as they did not know of it.

"Plaintiffs were thus constrained to bring the present suit before the Court of First Instance of Negros Occidental on September 5, 1957 seeking for the reconveyance in their favor by defendants Gregoria and daughter Candida and husband Jose Bayot of their corresponding participations in said parcels of land in accordance with article 840 of the old Civil Code and attorney's fees in the sum of P10,000 plus costs and expenses of this litigation." (4-13 Brief).

Proceedings in the lower court.—The instant action was filed on September 5, 1957 against defendants Agustin Ramos, Granada Ramos and the heirs of Jose Ramos for the purpose of securing a reconveyance of the supposed participations of plaintiffs Atanacia, Emiliano, Manuel, Maria and Modesto, all surnamed Ramos, in the aforementioned eight (8) lots which apparently form part of Hacienda Calaza. (The plaintiffs did not specify that the said shares would amount to one-sixth of the said eight cadastral lots. One-sixth represented the one-third free portion of Martin Ramos' one-half shares in the said lots. And the said one-sixth portion was the share of his seven legally acknowledged natural children under article 840 of the old Civil Code).

The action is really directed against the heirs of Jose Ramos, namely, his wife Gregoria and his daughter Candida in whose names the said eight lots are now registered as shown in Exhibit 8 and in page 4 hereof. It is predicated on the theory that plaintiffs' shares were held in trust by the defendants. No deed of trust was alleged and proven.

The defendants denied the existence of a trust. They pleaded the defenses of (a) release of claim as shown in the project of participation, the decision and the receipt of shares forming part of the *expediente* of Civil Case No. 217 (Exh. 3, 4 and 6), (b) lack of cause of action, (c) *res judicata* and (d) prescription.

Timoteo Ramos, who was joined as co-plaintiff, manifested that he had already received his own share of the inheritance, that he did not authorize anyone to include him as a plaintiff and that he did not want to be a party in this case. He moved that his name be stricken out of the complaint (44-45 Rec. on Appeal; Exh. 7).

Emiliano Ramos, who died in 1958, was substituted by his widow and their ten children (Exh. E, 61-64 Rec. on Appeal). The complaint is silent as to the fate of Federico Ramos, the seventh natural child of Martin Ramos.

As already noted, after trial the lower court dismissed the complaint on the ground of *res judicata*. The plaintiffs as well as the defendants appealed.

Plaintiffs' appeal.—The plaintiffs contend that the trial court erred (1) in dismissing their complaint, (2) in denying their right to share in their father's estate and (3) in holding that the action was barred by *res judicata* or the prior judgment in the special proceeding for the settlement of Martin Ramos' intestate estate, Civil Case No. 217 of the Court of First Instance of Negros Occidental, *Abintestado de los finados esposos Martin Ramos y Candida Tanate* (Exh. F to J and 1 to 6).

The plaintiffs vigorously press on this Court their theory that the plaintiffs, as acknowledged natural children, were grievously prejudiced by the partition and that the doctrine of *res judicata* should not bar their action.

A preliminary issue, which should first be resolved, is the correctness of the trial court's "inexorable conclusion" that the plaintiffs were the legally acknowledged natural children of Martin Ramos. Plaintiffs' action is anchored on that premise.

The defendants failed to impugn that conclusion in their *appellants' brief*. Not having done so, it may be regarded as conclusive against them. That is the proposition advanced by the plaintiffs in their reply-brief.

The defendants in their appellees' brief assail that conclusion. It is true that an appellee may make an assignment of error in his brief but that rule refers to an appellee who is not an appellant (*Saenz vs. Mitchell*, 60 Phil. 69, 80). However, since an appellee is allowed to point out the errors committed by the trial court against him (*Relativo vs. Castro*, 76 Phil. 563; *Lucero vs. De Guzman*, 45 Phil. 852), defendants' contention that the plaintiffs were not legally acknowledged natural children may just as well be passed upon.

The defendants, in contesting the lower court's finding that the plaintiffs were legally acknowledged children, assume that the legitimate children committed a mistake in conferring successional rights on the plaintiffs.

We hold that the trial court's conclusion is correct. It is true that the acknowledgment of the plaintiffs is not evidenced by a record of birth, will or other public document (Art. 131, Old Civil Code). But the record of Civil Case No. 217, which is relied upon by the defendants to support their defense of *res judicata*, indubitably shows that the plaintiffs were treated as acknowledged natural children of Martin Ramos. The reasonable inference is that they were in the continuous possession of the status of natural children of Martin Ramos, as evidenced by his direct acts and the acts of his family (Art. 135, Old Civil Code).

Unacknowledged natural children have no rights whatsoever (*Buenaventura vs. Urbano*, 5 Phil. 1; *Siguiong vs. Siguiong*, 8 Phil. 5, 11; *Infante vs. Figueras*, 4 Phil. 738; *Crisolo vs. Macadaeg*, 94 Phil. 862). The fact that the plaintiffs, as natural children of Martin Ramos, received shares in his estate implies that they were acknowledged. Obviously, defendants Agustin Ramos and Granada Ramos and the late Jose Ramos accorded successional rights to the plaintiffs because Martin Ramos and members of his family had treated them as his children. Presumably, that fact was well-known in the community. Under the circumstances, Agustin Ramos and Granada Ramos and the heirs of Jose Ramos are estopped from attacking plaintiffs' status as acknowledged natural children (See Arts. 283[4] and 2266[3], New Civil Code).

Even the lower court, after treating the plaintiffs in 1913 in the intestate proceeding as acknowledged natural children, had no choice but to reaffirm that same holding in its 1961 decision in this case.

The crucial issue is prescription. With it the questions of *res judicata* and the existence of a trust are inextricably interwoven. Inasmuch as trust is the main thrust of plaintiffs' action, it will be useful to make a brief digression on the nature of trusts (*fideicomisos*) and on the availability of prescription and laches to bar the action for reconveyance of property allegedly held in trust.

"In its technical legal sense, a trust is defined as the right, enforceable solely in equity, to the beneficial enjoyment of property, the legal title to which is vested in another, but the word 'trust' is frequently employed to indicate duties, relations, and responsibilities which are not strictly technical trusts." (89 C.J.S. 712).

"A person who establishes a trust is called the trustor; one in whom confidence is reposed is known as the trustee; and the person for whose benefit the trust has been created is referred to as the beneficiary" (Art. 1440, Civil Code). There is a fiduciary relation between the trustee and the *cestui que trust* as regards certain property, real, personal, money or choses in action (*Pacheco vs. Arro*, 85 Phil. 505).

"Trusts are either express or implied. Express trusts are created by the intention of the trustor or of the parties. Implied trusts come into being by operation of law" (Art. 1441, Civil Code). "No express trusts concerning an immovable or any interest therein may be proven by oral evidence. An implied trust may be proven by oral evidence" (Ibid, Arts. 1443 and 1457).

"No particular words are required for the creation of an express trust, it being sufficient that a trust is clearly intended" (Ibid, Art. 1444; *Tuason de Perez vs. Caluag*, 96 Phil. 981; *Julio vs. Dalandan*, L-19012, October 30,

1967, 21 SCRA 543, 546). "Express trusts are those which are created by the direct and positive acts of the parties, by some writing or deed, or will, or by words either expressly or impliedly evincing an intention to create a trust" (89 C.J.S. 722).

"Implied trusts are those which, without being expressed, are deducible from the nature of the transaction as *matters of intent*, or which are superinduced on the transaction by *operation of law as matters of equity*, independently of the particular intention of the parties" (89 C.J.S. 274). They are ordinarily subdivided into resulting and constructive trusts (89 C.J.S. 722).

"A resulting trust is broadly defined as a trust which is raised or created by the act or construction of law, but in its more restricted sense it is a trust raised by *implication of law and presumed always to have been contemplated by the parties*, the intention as to which is to be found in the nature of their transaction, but not expressed in the deed or instrument of conveyance" (89 C.J.S. 725). Examples of resulting trusts are found in Article 1448 to 1455 of the Civil Code. See *Padilla vs. Court of Appeals*, L-31569, September 28, 1973, 53 SCRA 168, 179).

On the other hand, a constructive trust is a trust "raised by construction of law, or arising by operation of law." In a more restricted sense and as contradistinguished from a resulting trust, a constructive trust is "a trust not created by any words, either expressly or impliedly evincing a direct intention to create a trust, but by *the construction of equity in order to satisfy the demands of justice*. It does not arise by agreement or intention but by operation of law." (89 C.J.S. 726-727). "If a person obtains legal title to property by fraud or concealment, courts of equity will impress upon the title a so-called constructive trust in favor of the defrauded party." A constructive trust is not a trust in the technical sense (*Gayondato vs. Treasurer of the P. I.*, 49 Phil., 244; See Art. 1456, Civil Code).

There is a rule that a trustee cannot acquire by prescription the ownership of property entrusted to him (*Palma vs. Cristobal*, 77 Phil. 712), or that an action to compel a trustee to convey property registered in his name in trust for the benefit of the *cestui qui trust* does not prescribe (*Manalang vs. Canlas*, 94 Phil. 776; *Cristobal vs. Gomez*, 50 Phil. 810), or that the defense of prescription cannot be set up in an action to recover property held by a person in trust for the benefit of another (*Sevilla vs. De los Angeles*, 97 Phil. 875), or that property held in trust can be recovered by the beneficiary regardless of the lapse of time (*Marabilles vs.*

Quito, 100 Phil. 64; *Bancairen vs. Diones*, 98 Phil. 122, 126; *Juan vs. Zuñiga*, 62 O.G. 1351, 4 SCRA 1221; *Jacinto vs. Jacinto*, L-17957, May 31, 1962; See *Tamayo vs. Callejo*, 147 Phil. 31, 37).

That rule applies squarely to express trusts. The basis of the rule is that the possession of a trustee is not adverse. Not being adverse, he does not acquire by prescription the property held in trust. Thus, section 38 of Act 190 provides that the law of prescription does not apply "in the case of a continuing and subsisting trust" (*Diaz vs. Gorricho and Aguado*, 103 Phil. 261, 266; *Laguna vs. Levantino*, 71 Phil. 566; *Sumira vs. Vistan*, 74 Phil. 138; *Golfo vs. Court of Appeals* 63 O.G. 4895, 12 SCRA 199; *Caladiao vs. Santos*, 63 O.G. 1956, 10 SCRA 691).

The rule of imprescriptibility of the action to recover property held in trust may possibly apply to resulting trusts as long as the trustee has not repudiated the trust (*Heirs of Candelaria vs. Romero*, 109 Phil. 500, 502-3; *Martinez vs. Graño*, 42 Phil. 35; *Buencamino vs. Matias*, 63 O. G. 11033, 16 SCRA 849).

The rule of imprescriptibility was misapplied to constructive trusts (*Geronimo and Isidoro vs. Nava and Aquino*, 105 Phil. 145, 153. Compare with *Cuison vs. Fernandez and Bengzon*, 105 Phil. 135, 139; *De Pasion vs. De Pasion*, 112 Phil. 403, 407).

Acquisitive prescription may bar the action of the beneficiary against the trustee in an express trust for the recovery of the property held in trust where (a) the trustee has performed unequivocal acts of repudiation amounting to an ouster of the *cestui qui trust*; (b) such positive acts of repudiation have been made known to the *cestui qui trust* and (c) the evidence thereon is clear and conclusive (*Laguna vs. Levantino*, *supra*; *Salinas vs. Tuason*, 55 Phil. 729. Compare with the rule regarding co-owners found in the last paragraph of article 494, Civil Code; *Casañas vs. Rosello*, 50 Phil. 97; *Gerona vs. De Guzman*, L-19060, May 29, 1964, 11 SCRA 153, 157).

With respect to constructive trusts, the rule is different. The prescriptibility of an action for reconveyance based on constructive trust is now settled (*Alzona vs. Capunitan*, L-10228, February 28, 1962, 4 SCRA 450; *Gerona vs. De Guzman*, *supra*; *Claridad vs. Henares*, 97 Phil. 973; *Gonzales vs. Jimenez*, L-19073, January 30, 1965, 13 SCRA 80; *Boñaga vs. Soler*, 112 Phil. 651; *J. M. Tuason & Co., vs. Magdangal*, L-15539, January 30, 1962, 4 SCRA 84). Prescription may supervene in an implied trust (*Bueno vs. Reyes*, L-22587, April 28, 1969, 27 SCRA 1179; *Fabian vs. Fabian*, L-20449, January 29, 1968; *Jacinto vs. Jacinto*, L-17957, May 31, 1962, 5 SCRA 371).

And whether the trust is resulting or constructive, its enforcement may be barred by laches (90 C.J.S. 887-889; 54 Am. Jur. 449-450; *Diaz vs. Gorricho and Aguado, supra*. Compare with *Mejia vs. Gampoña*, 100 Phil. 277).

The plaintiffs did not prove any express trust in this case. The *expediente* of the intestate proceeding, Civil Case No. 217, particularly the project of partition, the decision and the manifestation as to the receipt of shares (Exh. 3, 4 and 6) negatives the existence of an express trust. Those public documents prove that the estate of Martin Ramos was settled in that proceeding and that adjudications were made to his seven natural children. A trust must be proven by clear, satisfactory, and convincing evidence. It cannot rest on vague and uncertain evidence or on loose, equivocal or indefinite declarations (*De Leon vs. Peckson*, 62 O.G. 994). As already noted, an express trust cannot be proven by parol evidence (*Pascual vs. Meneses*, L-18838, May 25, 1967, 20 SCRA 219, 228; *Cuaycong vs. Cuaycong*, L-21616, December 11, 1967, 21 SCRA).

Neither have the plaintiffs specified the kind of implied trust contemplated in their action. We have stated that whether it is a resulting or constructive trust, its enforcement may be barred by laches.

In the cadastral proceedings, which supervened after the closure of the intestate proceeding, the eight lots involved herein were claimed by the spouses Jose Ramos and Gregoria T. Ramos to the exclusion of the plaintiffs (Exh. 8 to 19). After the death of Jose Ramos, the said lots were adjudicated to his widow and daughter (Exh. 8). In 1932 Gregoria T. Ramos and Candida Ramos leased the said lots to Felix Yulo (Exh. 20). Yulo in 1934 transferred his lease rights over Hacienda Calaza to Juan S. Bonin and Nestor Olmedo, the husband of plaintiff Atanacia Ramos (Exh. 22). Bonin and Olmedo in 1935 sold their lease rights over Hacienda Calaza to Jesus S. Consing (Exh. 23).

Those transactions prove that the heirs of Jose Ramos had repudiated any trust which was supposedly constituted over Hacienda Calaza in favor of the plaintiffs.

Under Act 190, whose statute of limitations applies to this case (Art. 1116, Civil Code), the longest period of extinctive prescription was only ten years (*Diaz vs. Gorricho and Aguado, supra*).

Atanacia, Modesto and Manuel, all surnamed Ramos, were already of age in 1914 (Exh. A to D). From that year, they could have brought the action to annul the partition. Maria Ramos and Emiliano Ramos were both born in 1896. They reached the age of twenty-one years

in 1917. They could have brought the action from that year.

The instant action was filed only in 1957. As to Atanacia, Modesto and Manuel, the action was filed forty-three years after it accrued and, as to Maria and Emiliano, the action was filed forty years after it accrued. The delay was inexcusable. The instant action is unquestionably barred by prescription and *res judicata*.

This case is similar to *Go Chi Gun vs. Co*, 96 Phil. 622, where a partition judicially approved in 1916 was sought to be annulled in 1948 on the ground of fraud. It was contended that there was fraud because the real properties of the decedent were all adjudicated to the eldest son, while the two daughters, who were minors, were given only cash and shares of stocks. This Court, in upholding the petition said:

"In any case, the partition was given the stamp of judicial approval, and as a matter of principle and policy we should sustain its regularity, in the absence of such cause or reason that the law itself fixes as a ground for invalidity" (on page 634). "As the administration proceedings ended in the year 1916, the guardianship proceedings in 1931, and the action was brought only in the year 1948, more than 32 years from the time of the distribution and 27 years from the termination of guardianship proceedings," the action was barred by laches (on page 637). See *Lopez vs. Gonzaga*, L-18788, January 31, 1964, 10 SCRA 167; *Cuaycong vs. Cuaycong*, *supra*).

The leading case of *Severino vs. Severino*, 44 Phil. 343, repeatedly cited by the plaintiffs, does not involve any issue of prescription or laches. In that case, the action for reconveyance was seasonably brought. The alleged trustee was an overseer who secured title in his name for the land of his brother which was under his administration. He could not have acquired it by prescription because his possession was not adverse. On certain occasions, he had admitted that he was merely the administrator of the land and not its true owner.

More in point is the *Cuaycong* case, *supra*, where the action for the reconveyance of property held in trust accrued in 1936 and it was filed only in 1961 or after the lapse of twenty-five years. That action was barred.

On its face, the partition agreement was theoretically correct since the seven natural children were given their full legitime, which under article 942 of the old Civil Code was their share as legal heirs. But it was possible that the lands were undervalued or were not properly appraised at their fair market value and, therefore, the natural children were short-changed in the computation of the value of their shares which the legitimate children

could pay in cash as allowed in article 840 of the old Civil Code. It is of common knowledge that anyone who received lands in the partition of decedent's estate would ultimately have an advantage over the one who received cash because lands increase in value as time goes by while money is easily spent.

As pointed out in the statement of facts, it was anomalous that the manifestation, evidencing the alleged receipt by the natural children of their shares, should recite that they received their shares from the administrator, when in the project of partition itself, as approved by the probate court (Exh. 3 to 6), it was stipulated that Jose Ramos and Agustin Ramos would be the ones to pay the cash settlement for their shares. No receipts were submitted to the court to prove that Jose Ramos and Agustin Ramos paid to the plaintiffs the cash adjudicated to them in the project of partition.

The plaintiffs pinpoint certain alleged irregularities in the intestate proceeding. They aver that Modesto Ramos and Manuel Ramos were already of age in 1913 and could not therefore have been represented by Timoteo Zayco as guardian *ad litem* and that, consequently, the two were denied due process. The plaintiffs accuse Zayco of not having competently protected the interests of the minors, Maria Ramos and Emiliano Ramos. They allege that Atanacia Ramos signed the project of partition and the "receipt" of shares (Exh. 3 and 6) without understanding those documents which were in Spanish. They assert that the lopsided and defective partition was not implemented.

In short, the plaintiffs contend that the partition was not binding on them. (Note that their brother, Timoteo, considered himself bound by that partition). They ask that the case be remanded to the lower court for the determination and adjudication of their rightful shares.

All those contentions would have a semblance of cogency and would deserve serious considerations if the plaintiffs had not slept on their rights. They allowed more than forty years to elapse before they woke up and complained that they were much aggrieved by the partition. Under the circumstances, their claims can hardly evoke judicial compassion. *Vigilantibus et non dormientibus jura subveniunt*. "If eternal vigilance is the price of safety, one cannot sleep on one's right for more than a tenth of a century and expect it to be preserved in its pristine purity" (Ozaeta, J. in Association Cooperativa de Credito Agricola de Miagao vs. Monteclaro, 74 Phil. 281, 283).

The plaintiffs have only themselves to blame if the courts at this late hour can no longer afford them relief against the inequities allegedly vitiating the partition of their father's estate.

In connection with the *res judicata* aspect of the case, it may be clarified that in the settlement of a decedent's estate it is not *de rigueur* for the heirs to sign a partition agreement. "It is the judicial decree of distribution, once final, that vests title in the distributees" (*Reyes vs. Barretto-Datu*, L-17818, January 25, 1967, 19 SCRA 85, 91) which in this case was Judge Campbell's decision (Exh. 4).

A judgment in an intestate proceeding may be considered as a judgment *in rem* (*Varela vs. Villanueva*, 95 Phil. 248, 267. See Sec. 49[a], Rule 39, Rules of Court). There is a ruling that "if the decree of distribution was erroneous or not in conformity with law or the testament, the same should have been corrected by opportune appeal; but once it had become final, its binding effect is like that of any other judgment *in rem*, unless properly set aside for lack of jurisdiction or fraud." A partition approved by the court in 1939 could no longer be contested in 1956 on the ground of fraud. The action had already prescribed. "The fact that one of the distributees was a minor at the time the court issued the decree of distribution does not imply that the court had no jurisdiction to enter the decree of distribution." (*Reyes vs. Barretto-Datu*, *supra*, citing *Ramos vs. Ortuzar*, 89 Phil. 742). "A final order of distribution of the estate of a deceased person vests the title to the land of the estate in the distributees" (*Syllabus, Santos vs. Roman Catholic Bishop of Nueva Caceres*, 45 Phil. 895, 900).

Parenthetically, it may be noted that the filing of the instant case long after the death of Jose Ramos and other persons involved in the intestate proceeding renders it difficult to determine with certitude whether the plaintiffs had really been defrauded. What Justice Street said in *Sinco vs. Longa*, 51 Phil. 507, 518-9 is relevant to this case:

"In passing upon controversies of this character experience teaches the danger of accepting lightly charges of fraud made many years after the transaction in question was accomplished, when death may have sealed the lips of the principal actors and changes effected by time may have given a totally different color to the cause of controversy. In the case before us the guardian, Emilio Tevez, is dead. The same is true of Trinidad Diago, mother of the defendant Agueda Longa; while Agapito Longa is now living in Spain. It will be borne in mind also that, insofar as oral proof is concerned, the charge of fraud rests principally on the testimony of a single witness who, if fraud was committed, was a participant therein and who naturally would now be anxious, so far as practicable, to put the blame on others. In this connection it is well to bear in mind the following impressive language of Mr. Justice Story:

“* * * But length of time necessarily obscures all human evidence; and as it thus removes from the parties all the immediate means to verify the nature of the original transactions, it operates by way of presumption, in favor of innocence, and against imputation of fraud. It would be unreasonable, after a great length of time, to require exact proof of all the minute circumstances of any transaction, or to expect a satisfactory explanation of every difficulty, real or apparent, with which it may be incumbered. The most that can fairly be expected, in such cases, if the parties are living, from the frailty of memory, and human infirmity, is, that the material facts can be given with certainty to a common intent; and, if the parties are dead, and the cases rest in confidence, and in parol agreements, the most that we can hope is to arrive at probable conjectures, and to substitute general presumptions of law, for exact knowledge. Fraud, or breach of trust, ought not lightly to be imputed to the living; for, the legal presumption is the other way; as to the dead, who are not here to answer for themselves, it would be the height of injustice and cruelty, to disturb their ashes, and violate the sanctity of the grave, unless the evidence of fraud be clear, beyond a reasonable doubt. (*Prevost vs. Cratz*, 6 Wheat [U. S.], 431, 493).”

Defendants appeal.—Defendants Granada Ramos, Gregoria T. Ramos, Candida Ramos, Jose Bayot and Agustin Ramos appealed from the lower court's decision insofar as it ignored their counterclaim for P50,000 as moral damages and P10,000 as attorney's fees. In their brief the claim for attorney's fees was increased to P20,000. They prayed for exemplary damages.

The defendants argue that plaintiffs' action was baseless and was filed in gross and evident bad faith. It is alleged that the action caused defendants mental anguish, wounded feelings, moral shock and serious anxiety and compelled them to hire the services of counsel and incur litigation expenses.

Articles 2219 and 2220 (also 1764 and 2206) of the Civil Code indicate the cases where moral damages may be recovered. The instant litigation does not fall within any of the enumerated cases. Nor can it be regarded as analogous to any of the cases mentioned in these articles. Hence, defendants' claim for moral damages cannot be sustained (*Ventanilla vs. Centeno*, 110 Phil. 811, 814). The worries and anxiety of a defendant in a litigation that was not maliciously instituted are not the moral damages contemplated in the law (*Solis & Yarisantos vs. Salvador*, L-17022, August 14, 1965, 14 SCRA 887).

“The adverse result of an action does not *per se* make the act wrongful and subject the actor to the payment of moral damages. The law could not have meant to impose a penalty on the right to litigate; such right is so precious that moral damages may not be charged on those who may exercise it erroneously.” (*Barreto vs. Arevalo*, 99 Phil. 771, 779).

On the other hand, the award of reasonable attorney's fees is governed by article 2203 of the Civil Code which lays down the general rule that, in the absence of stipulation, attorney's fees and litigation expenses cannot be recovered. Article 2208 specifies eleven instances where attorney's fees may be recovered. The defendants did not point out the specific provision of article 2208 on which their counterclaim may be predicated.

What may possibly apply to defendants' counterclaim are paragraphs four and eleven which respectively provide that attorney's fees may be recovered "in case of a clearly unfounded civil action or proceeding against the plaintiff" (defendant is a plaintiff in his counterclaim) or "in any other cases where the court deems it just and equitable" that attorney's fees should be awarded.

We hold that, notwithstanding the dismissal of the action, no attorney's fees should be granted to the defendants. Under the facts of the case, it cannot be asseverated with dogmatic finality that plaintiffs' action was manifestly unfounded or was maliciously filed to harass and embarrass the defendants. All indications point to the fact that the plaintiffs honestly thought that they had a good cause of action. They acted in evident good faith. (See *Herrera vs. Luy Kim Guan*, 110 Phil. 1020, 1028; *Rizal Surety & Insurance Co., Inc. vs. Court of Appeals*, L-23729, May 16, 1967, 20 SCRA 61).

Inasmuch as some of the plaintiffs were minors when the partition of their father's landed estate was made, and considering that they were not allotted even a few square meters out of the hundreds of hectares of land, which belonged to him, they had reason to feel aggrieved and to seek redress for their grievances. Those circumstances as well as the marked contrast between their indigence and the affluence of the heirs of their half-brother, Jose Ramos, might have impelled them to ask the courts to reexamine the partition of their father's estate.

It is not sound public policy to set a premium on the right to litigate. An adverse decision does not *ipso facto* justify the award of attorney's fees to the winning party (*Herrera vs. Luy Kim*, *supra*; *Heirs of Justiva vs. Gustilo*, 61 O. G. 6959. Cf. *Lazatin vs. Twaño and Castro*, 112 Phil. 733, 741).

Since no compensatory and moral damages have been awarded in this case, defendants' claim for exemplary damages, which was ventilated for the first time in their appellants' brief, may be as an afterthought, cannot be granted (Art. 2229, Civil Code).

WHEREFORE, the trial court's judgment is affirmed with the clarification that defendant's counterclaim is dismissed. No costs.

SO ORDERED.

Makalintal, C.J., Barredo, Antonio and Fernandez, JJ., concur.

Fernando, J., did not take part.

Judgment affirmed. Defendants' counterclaim for damages and attorney's fees is dismissed.

[L-31371. December 19, 1974]

SECOND DIVISION

MARIA LIWANAG-REYES, and her children CARLOS, LOURDES, RAFAEL and CARMENCITA, all surnamed REYES, Petitioners, *vs.* THE COURT OF APPEALS, PHILIPPINE TRUST COMPANY, VICTOR S. REYES, and HON. JOSE B. JIMENEZ, as Judge of the Court of First Instance of Manila (Branch VI), Respondents.

Ramon A. Gonzales for the petitioners.

Gregorio F. Ortega, counsel for respondent Victor S. Reyes.

Ruben E. Karunungan, counsel for the movants C. G. Reyes and Eduardo G. Reyes.

CERTIORARI and PROHIBITION with Preliminary Injunction.

SYNOPSIS

Petitioners sought to enjoin the enforcement and implementation of a final decision of the Court of Appeals, reversing the decision of the Court of First Instance of Manila and declaring illegal: (1) the removal of Victor S. Reyes as Special Administrator, and (2) the appointment of the Philippine Trust Company as regular administrator of the Intestate Estate of Clemente G. Reyes. No evidence was adduced to prove that Victor S. Reyes as such special administrator had betrayed the trust reposed in him and since he enjoys a better preference, the appellate court appointed him regular administrator of his father's estate in place of the Philippine Trust Company. After the promulgation of the questioned decision, the parties executed an agreement embodying their conformity to the appointment of Victor as regular administrator. Petition dismissed.

SYLLABUS

of the Ruling of the Court

1. CERTIORARI; NOT AVAILABLE WHERE ALLEGED DEFECTS IN ASSAILED DECISION HAVE BEEN CURED BY PARTIES' AGREEMENT.—Where after the parties came to know of the decision of the Court of Appeals appointing private respondent as the regular administrator, they executed an agreement wherein they all conformed to said appointment and, as a consequence, withdrew their motion to cite him in contempt of court, petitioners are barred from assailing said decision in a petition for certiorari and from claiming that they entered into said agreement under a mis-apprehension of facts; because said agreement cured whatever defects or flaws there might be in the assailed decision and petitioners are not entirely without any remedy should their conformity to the appointment of respondent as regular administrator turn out to be prejudicial to their interests. They can always have him changed with a better choice, for any of the causes provided by law.

OPINION OF THE COURT

BARREDO, J.:

Petition for certiorari and prohibition to set aside the decision of the Court of Appeals dated August 14, 1969 in CA-G.R. No. 41420-R reversing the order dated March 19, 1968 of the Court of First Instance of Manila, Branch VI, in Special Proceedings No. 62055 which terminated the appointment of herein respondent Victor S. Reyes as special administrator of the Intestate Estate of Clemente G. Reyes and appointed the other respondent herein, Philippine Trust Company, as regular administrator of said estate, and to enjoin both the Court of Appeals and the respondent Court of First Instance of Manila from enforcing or implementing said decision.

Special Proceedings No. 62055 was initiated in the Court of First Instance of Manila on August 6, 1965 by respondent Victor S. Reyes for the settlement of the estate of his deceased father, Clemente G. Reyes. Eventually, said respondent was appointed special administrator. About three years later, upon petition for letters of administration by petitioner Maria Liwanag-Reyes and her children, which petition was opposed by Victor, who claimed legal preference to such appointment and, therefore, asked that letters be issued to him instead, respondent probate court issued the questioned order of March 19, 1968 above-referred to. Upon denial of his motion for reconsideration of this order, Victor sought to have the adverse orders set aside by the Court of Appeals in a certiorari proceeding which culminated in the aforementioned decision of the appellate court which petitioners are now asking to be nullified.

In his petition for certiorari filed with the Court of Appeals, Victor made the following pertinent allegations:

“V

“That the respondent court acted without or in excess of jurisdiction, and with grave abuse of discretion, in issuing the orders in question, *Annexes A and B* of the petition. The orders complained of are in violation of the provisions of section 6 of Rule 78, Rules of Court, and of the order of preference established therein. The said section enumerates the persons who may be appointed as administrator in the order prescribed therein. Such priority of right is based primarily on nearness of relationship and extent of interest. It is in accordance with natural right and justice, based on the assumption that ties of marriage and consanguinity and the effect of personal interest will lead the persons enumerated therein to exercise care and attention in the management of the estate. (Martin, Rules of Court, 1964 ed., Vol. 2, p. 740; 21 Am. Jur. 406; *De Guzman vs. Lincolnoc* 68 Phil. 673). The order of preference provided in said section is founded on the assumption that the persons preferred are suitable. If they are not, the court may entirely disregard the preference thus provided.

This is the reason for the rule that in the selection of an administrator, the courts may exercise discretion. (Moran, Comments on the Rules of Court, 1963 ed., Vol. 3, p. 386; *Capistrano vs. Nadurata* 46 Phil. 726; *Esler et al. vs. Tad-y et al.* 46 Phil. 854). But, the order of preference may be disregarded only when the reasons therefor are positive and clear. (*Torres vs. Sicat Vda. de Morales*, L-5236, May 25, 1953). In the case at bar, there is no showing, much less a clear and positive one, that the petitioner, or the other persons preferred to the respondent/company according to the order of preference established by law, are unfit or unsuitable for appointment as regular administrator of the estate in question. The fact that the petitioner while then special administrator had opposed the applications of certain heirs, whether legitimate or not, for withdrawals of funds of the estate, or that he had moved to reconsider certain orders of the respondent court authorizing the same, or that there appears to be some disharmony or hostility among some persons interested in the estate, we beg to submit, is not sufficient to render the petitioner unfit or unsuitable for appointment as regular administrator, or to warrant the disregard by the respondent court of the order of preference established by law. Partial distribution of an estate pending its liquidation is illegal. (*Ngo Hua vs. Chung Kiat Keng*, L-19091, Sept. 30, 1963). Also, a mere finding of the trial judge that the widow consistently refused to recognize the credits and had shown determination to resist the claims of creditors, was held insufficient to show that she was unsuitable for appointment. (*Torres vs. Sicat Vda. de Morales*, *supra*). Moreover, a mere hostile feeling on the part of an executor or administrator towards persons interested in the estate is not a ground for removal unless it prevents the management of the estate according to dictates of prudence. (33 CJS 1036; *Borromeo vs. Borromeo* 51 O.G. 5145).

"On the other hand, a person may be disqualified from acting as executor or administrator on the ground of unsuitableness. Unsuitableness for appointment as administrator may consist in adverse interest of some kind to such an extent as to render the appointment inadvisable. (*Sioca vs. Garcia* 44 Phil. 711; *Arevalo vs. Bustamante* 69 Phil. 656). In the case at bar, the record shows that the respondent Philippine Trust Company has an adverse interest in the estate in question, which disqualified it from acting as the administrator thereof, hereto attached as Annex F. and F-1.

"In disregarding the order of preference established in the aforesaid section 6 of Rule 78, Rules of Court, in removing the petitioner herein as special administrator of the subject estate, and in appointing the respondent company as the regular administrator thereof, without consultation or the agreement of the heirs in this case on the matter, the respondent court acted arbitrarily and without or in excess of jurisdiction, and with grave abuse of discretion. Granting that there is a right to appeal from the final judgment which may be rendered in the subject probate case, the same is inadequate as a remedy, as the aggrieved party has to wait for the rendition of such final judgment before he can take an appeal from the orders in question, and it cannot promptly relieve him from their injurious effects. (*Silvestre vs. Torres* 57 Phil. 885; *Moran*, *idem.* p. 149; II CJ 113). Where the order which is sought to be reviewed is merely of interlocutory or peremptory character, and the appeal therefrom can be interposed only after final judgment is rendered and may, therefore, be of

no avail, certiorari may be granted. (Moran, *idem.* p. 153; Rustia *vs.* Abeto 72 Phil. 133; Rocha *vs.* Crossfield 6 Phil. 355; Leung Ben *vs.* O'Brien, 38 Phil. 182).

VI

"That there is no appeal, nor any plain, speedy and adequate remedy in the ordinary course of law against the orders complained of, except this proceeding for certiorari with preliminary injunction." (Pars. V and VI, pp. 30-33, Record.)

Strangely, herein petitioners were not originally made parties in said petition, but upon being granted permission to intervene, they filed an answer wherein they alleged, *inter alia*, that Victor had no cause of action for certiorari because the questioned orders had already been appealed by him to the Court of Appeals (pp. 107-108, Record). In other words, petitioners contended that inasmuch as what was being assailed was an order appointing a regular administrator and not really the order removing Victor as special administrator, the remedy was not certiorari but appeal. Ruling on this contention, the Court of Appeals held:

"On the other hand, intervenors Maria Liwanag Reyes and her children aver that the instant case is not a proper subject matter of certiorari, in that the appointment of the Philippine Trust Company as regular administrator being in the nature of a final judgment, could not be impugned by way of certiorari but could only be elevated to a higher court by way of appeal. As proof that the right of appeal exists, intervenors cite the notice of appeal made by petitioner before the respondent Court. Moreover, intervenors submit that the appointment and removal of a special administrator lies entirely on the sound discretion of the Court.

"While it is true that the appointment of a regular administrator is appealable and hence, not the proper subject of certiorari, it is equally true that the removal of a special administrator is interlocutory in nature and therefore, not appealable. (Alcasid *vs.* Samson, No. L-11435, Dec. 27, 1957; 54 O. G. 4479; Garcia *vs.* Flores, 54 O. G. 4049). In which case, the proper remedy would be a petition for certiorari. In like manner, although the matter of appointing and removing a special administrator lie entirely on the sound discretion of the Court, this discretion must be a sound one, that is, not whimsical or contrary to reason, justice or equity. (Roxas *vs.* Pecson, No. L-2211, Dec. 20 1948; 82 Phil. 407.) Thus, the order of preference in the appointment of a regular administrator may be disregarded only when the reasons therefor are positive and clear. (Torres *vs.* Vda. de Morales No. L-5236, May 25, 1953.)" (P. 205, Record.)

Having thus opined that certiorari is a proper remedy in the premises, the appellate court went on to hold that the trial court committed grave abuse of discretion in removing Victor as special administrator:

"The order of the respondent Court removing petitioner as special administrator of the Reyes estate gives as reason therefor 'the lack of good harmony among the heirs.' Nowhere in the questioned orders does respondent Court make any finding that petitioner has

betrayed the trust reposed in him or that he has refused to obey any of the orders issued by said Court. Thus, it appears, that petitioner's removal was not based on justifiable grounds, since the fact of lack of harmony alone is not a valid reason for his removal.

"Intervenors cite petitioner for his alleged failure to render an accounting of his administration, and yet they admit in their Opposition to Motions for Reconsideration dated April 23, 1968 (p. 7) that he has been submitting financial reports. In fact, intervenors object to the employment by petitioner of a bookkeeper in addition to a certified public accountant. (Pp. 16-17, Reply, March 14, 1968). Moreover, intervenors admit that petitioner filed a sworn inventory and preliminary accounting on December 3, 1965. (P. 16, Reply, *supra*.) From the foregoing, it is evident that petitioner had no intention of shirking his duty to keep a faithful record of the administration of the estate as well as to render an accounting to the respondent Court. Otherwise, it would have been unnecessary for him to employ the services of a certified public accountant whose duty it would be to check minutely the accounts of the estate.

"It is not denied that petitioner represents one set of heirs while intervenors represent another set of heirs. (P. 2, urgent petition for leave of Court to intervene, July 19, 1968). In fact, intervenors call petitioner 'an acknowledged natural child of the deceased Clemente G. Reyes out of his common law relationship by another woman named Rufina Santillan,' (P. 3, Opposition, September 15, 1965). What is controverted is the legality of the alleged marriages contracted by the decedent with the mother of petitioner and intervenor Maria Liwanag-Reyes.

"The records further reveal that petitioner is the eldest of the decedents' children by both women and that he had been administering the estate as special administrator for about three years at the time of his removal. Therefore, if only for the fact that he is the eldest child of the decedent and that he is quite familiar with the business of the decedent, coupled with the ruling of the respondent Court that the only ground for his removal was the lack of good harmony between the parties, we believe that he should be given the preference to be appointed the regular administrator of his father's estate.

"On the other hand, the appointment of respondent Bank as regular administrator appears to be disadvantageous to the estate in the sense that such an arrangement would entail a higher administration fee. As stated by the Supreme Court in the case of *Ozaeta, Palanca et al. vs Pecson, et al.* (No. L-5436, June 30, 1953):

'It also appears that the Philippine Trust Company, which had acted as special administrator for a period of only a few months, has submitted a bill for P90,000.00. This would cut deep into the income of the estate, and if the new special administrator appointed by the respondent judge takes office, it is not improbable that the estate may again be subjected to the same expensive cost of administration. Under these circumstances, it would seem unreasonable to refuse to appoint petitioner as special administration.

* * * * *

"Moreover, it appear that respondent Bank is a creditor of one of the companies forming the estate in the amount of P25,477.34. In the aforementioned Palanca case (*supra*), the same Bank presented a petition to resign as special administrator on the ground of incompatibility of interest, as it had granted a loan to heir Angel

Palanca, who had pledged to it shares of the Far Eastern University allegedly belonging to the estate of the deceased. We see no difference in the situation at hand in view of the fact that respondent Bank granted the Philippine Recapping Plant (forming part of the estate) an overdraft line of P20,000.00 with a mortgage on its properties. As respondent Bank's letter of February 7, 1968, shows, it was threatening to foreclose the mortgage on the Philippine Recapping Plant should it fail to settle its outstanding balance (Annex 'P').” (Pp. 205-206, Record.)

And so, the appellate court did not limit itself to holding that the removal of Victor as special administrator was illegal but went further and appointed him regular administrator, reasoning out that under the circumstances obtaining in the estate, as discussed by it, he was legally entitled to preference over the Philippine Trust Company. But notwithstanding these adverse rulings, petitioners did not appeal from the decision of the Court of Appeals.

It is only in the instant petition filed on December 19, 1969, a little less than four months after the appellate court's decision has become final that petitioners are bringing up for the first time alleged legal infirmities and even jurisdictional defects in the said decision. They maintain that, in the first place, Victor was not removed as special administrator; what the probate court did was simply to terminate his tenure as such pursuant to the provisions of Section 3 of Rule 80, considering that it had appointed the Philippine Trust Company as regular administrator, which appointment could be questioned only in an appeal, not by certiorari. Consequently, according to petitioners, there is absolutely no occasion to charge any abuse of discretion by the probate court, the termination of Victor's special administration being dictated by specific provision of the rules. Secondly, petitioners contend that inasmuch as Victor was attacking only his removal as special administrator, it was beyond the authority of the Court of Appeals to appoint him as regular administrator in the same proceeding.

While much can be said in support of the pose of petitioners, the Court sees an insurmountable obstacle to granting them relief. It appears from the answer of Victor in this case, and it is admitted in petitioners' reply, that after the parties herein came to know of the decision of the Court of Appeals, on September 6, 1969, they executed a document captioned “Agreement”, paragraph 4 of which reads as follows:

“4. That we have all agreed that Victor S. Reyes to be our regular administrator and in order to preserve the harmony of the agreement we have thus far reached, Mrs. Maria Liwanag and her children are hereby withdrawing their motion to cite Victor S. Reyes in contempt of court as filed with the Court of First Instance. In other words, we have finally agreed that he would be our regular administrator. (*Italic supplied.*)” (Pp. 240-241, Record.)

Of course, petitioners' counsel is suggesting that they entered into said agreement under a mis-apprehension of facts. If such be the case, it is certainly not in this forum, much less by certiorari, that such an issue can be raised. As things stand presently, whatever defects or flaws there might be in the assailed decision of the Court of Appeals have been either cured or waived by this agreement. And since there is no showing that the alleged infirmities thereof have been brought to the attention of respondent court, the charge of grave abuse of discretion levelled against it for implementing the decision of the appellate court is without basis.

Anyway, petitioners are not entirely without any remedy should their conformity to the appointment of Victor as regular administrator turn out to be prejudicial to their interests. They can always have him changed with a better choice, for any of the causes provided by law.

IN VIEW OF ALL THE FOREGOING, the petition is dismissed with costs against petitioners.

Fernando, J., Chairman, Antonio, Fernandez and Aquino, JJ., concur.

Petition dismissed.

[G. R. No. L-38224. December 10, 1974]

FIRST DIVISION

CENTRAL BANK OF THE PHILIPPINES, petitioner, *vs.* COURT OF APPEALS and PABLO R. ROMAN, et al. and LUCILA R. REYES, for themselves and on behalf of and for the benefit of other stockholders similarly situated and for the benefit of the REPUBLIC BANK, respondents.

Solicitor General Estelito P. Mendoza, Assistant Solicitor General Hugo E. Gutierrez, Jr., Solicitor Jesus O. Ibay and F. E. Evangelista and Ciceron B. Angeles for the petitioner.

Norberto J. Quisumbing and Antonio M. Pery for the respondents.

MOTION FOR AMICABLE SETTLEMENT in the Supreme Court.

SYNOPSIS

Petitioner's motion requesting the suspension of the running of the period for filing its brief on the ground that negotiations for the amicable settlement of this case were underway, was granted by the Supreme Court in a resolution dated September 29, 1974. Subsequently, the said period was further suspended until finally both parties submitted an agreement for the amicable settlement of this case which provides that the decisions, of the Court of First Instance of Manila and the Court of Appeals in the same case be vacated and in lieu thereof judgment be rendered in accordance with the terms and conditions of said agreement.

Compromise agreement approved.

SYLLABUS of the Ruling of the Court

1. APPEAL; BRIEF; PERIOD TO FILE APPEAL BRIEF MAY BE SUSPENDED WHERE NEGOTIATIONS FOR AMICABLE SETTLEMENT IS UNDERWAY.—The Supreme Court may suspend the running of the period to file brief on the ground that negotiations between the parties are underway for the amicable settlement and considerable time is needed for the same to be carried out because of the intricacies of the terms of settlement.
2. COMPROMISE AGREEMENT; PARTIES ENJOINED TO STRICTLY COMPLY WITH CONDITIONS THEREOF.—Where the compromise agreement voluntarily entered into by the parties pending appeal in the Supreme Court, is not contrary to law, the same shall be effective and executed immediately, and the parties enjoined to strictly comply with the terms and conditions thereof.

OPINION OF THE COURT

ESGUERRA, J.:

After the petition herein was given due course by resolution of this Court dated March 4, 1974, and the Motion

to Dismiss filed by the respondents had been denied in the resolution of March 11, 1974, the petitioners were required to file their brief. Several extensions for filing petitioners' brief were granted due to pressure of work on the part of the Solicitor General who represents the petitioner.

By motion of September 4, 1974, petitioner requested suspension of the running of the period for filing its brief on the ground that negotiations between the petitioner and the respondents were underway for the amicable settlement of this case and considerable time would be needed for the same to be carried out because of the intricacies of the terms of settlement, the amount involved, and the important public interest affected by the issues raised in the petition. By resolution dated September 29, 1974, this Court resolved to suspend the running of the period for filing petitioner's brief for a period of thirty (30) days counted from notice thereof. The said period was further suspended for thirty (30) days from October 23, 1974, pending completion of the agreement between the parties, which suspension was finally extended for twenty (20) days from November 22, 1974, by resolution dated November 25, 1974.

On December 4, 1974, or within the twenty-day extension period last granted by the resolution of November 25, 1974, both parties filed a motion dated December 3, 1974, submitting to this Court an agreement dated November 29, 1974, for the amicable settlement of this case (Central Bank of the Philippines *vs.* Court of Appeals, G. R. No. L-38224) and Civil Case No. 89689 pending before the Court of First Instance of Manila entitled, "Republic of the Philippines *vs.* Republic Bank", which agreement provides that the decision of the Court of First Instance of Manila dated February 27, 1970 in the case entitled, "Pablo R. Roman *vs.* Central Bank", Civil Case No. 68685; and the decision of the Court of Appeals in the same case, CA G.R. No. 49144-R, be vacated and in lieu thereof judgment be rendered in accordance with the term and conditions of the aforesaid agreement.

The full text of the compromise agreement reads as follows:

"AGREEMENT"

KNOW ALL MEN BY THESE PRESENTS:

This AGREEMENT entered into in the City of Manila, Philippines, this 29th day of November, 1974 among:

The CENTRAL BANK OF THE PHILIPPINES, with principal offices at Roxas Boulevard, Manila, Philippines, herein represented by its Governor, G. S. LICAROS;

The REPUBLIC BANK a domestic banking corporation organized under the laws of the Philippines, with principal offices at 277 Escolta, Manila, Philippines, represented by its President, PABLO R. ROMAN;

PABLO R. ROMAN, VICTORIA B. ROMAN, LOURDES R. ABELLO, ARACELI R. MATHAY, LUCILA R. REYES, and the STOCKHOLDERS of Republic Bank, who are all parties to Civil Case No. G. R. No. L-38224, entitled "Central Bank of the Philippines *vs.* Court of Appeals, et al.," all of legal age, with addresses at 78 Panay Avenue, Quezon City (for Spouses Pablo R. Roman and Victoria B. Roman); 37 Timog Avenue, Quezon City (for Lourdes R. Abello); 19 South 2, Quezon City for Araceli R. Mathay); and 69 Macopa St., Quezon City (for Lucila R. Reyes), respectively;

-and-

The REPUBLIC OF THE PHILIPPINES, represented herein by its Secretary of Finance, CESAR VIRATA;

WITNESSETH:

WHEREAS, there are now pending before the courts two (2) cases involving the Republic Bank and the Government, namely: (a) "Central Bank *vs.* Court of Appeals, et al.," G. R. No. L-38224, which is pending before the Supreme Court on an appeal taken by the Central Bank from adverse decisions of the Court of First Instance of Manila ("Pablo R. Roman *vs.* Central Bank," Civil Case No. 68685) and the Court of Appeals (CA-G.R. No. 49144-R); and (b) "Republic of the Philippines *vs.* Republic Bank," Civil Case No. 89689, which is pending before the Court of First Instance of Manila;

WHEREAS, the mere pendency of these cases imperils the continued operation of Republic Bank; worse, judgment for the Government in these cases would most likely result in the collapse of the Republic Bank, which occurrence would adversely affect the entire banking system and require the payment by the Philippine Deposit Insurance Corporation of a sizeable sum on its insurance liabilities, especially so since the bulk of deposits in Republic Bank is ₱10,000.00 and less;

WHEREAS, since the institution of the action entitled "Pablo R. Roman *vs.* Central Bank," Civil Case No. 68685 before the Court of First Instance of Manila, the decision in which case is now pending appeal before the Supreme Court (G.R. No. L-38224), Republic Bank has demonstrated its desire to meet its obligations and its ability to do business with relative safety to its clients; thus, Republic Bank has paid as of June 30, 1974 the amount of ₱41.023 million to the Central Bank on the principal of its emergency loans and from January 30, 1970 to June 30, 1974, ₱18.90 million to the National Treasurer on the deposits of the National Government, which latter amount has all been applied to interest;

WHEREAS, taking into account the above, the financial condition of Republic Bank, the broader interests of the entire banking system, as well as the economy of the nation, the parties to the above-mentioned cases have agreed

on a compromise agreement, the conditions of which are set forth hereinbelow;

NOW, THEREFORE, for and in consideration of the foregoing premises, the Central Bank of the Philippines, the Republic Bank, the respondent shareholders in G. R. No. L-38224, and the Republic of the Philippines, through the Secretary of Finance, have agreed as follows:

(a) The Republic Bank shall pay to the Central Bank and the National Government upon approval of this agreement the following:

<i>To The Central Bank</i>	<i>In Million</i>
1. Outstanding principal of Central Bank emergency loans	P25.830
2. By way of interest on emergency advances of the Central Bank and penalty on reserve deficiency, both as of June 30, 1974	4.035
and an additional amount of P625.98 per day as interest from July 1, 1974 up to the date of approval of this agreement; and, thereafter, Republic Bank shall pay interest on the emergency advances at the rate of twelve per cent (12%) per annum and such amounts which may be imposed by the Central Bank by way of penalty on reserve deficiency, both amounts to be likewise subject to paragraph (i) of this agreement, until the subscription by DBP to shares of stock in Republic Bank is made as provided therein.	
<i>To the National Government</i>	
1. Outstanding time deposits of the National Treasurer	P32.998
2. By way of interest on matured time deposit of the National Government as of June 30, 1974	4.588
and an additional amount of P5,921.26 per day as interest from July 1, 1974 to September 30, 1974; and, for as long as the subscription by DBP to shares of stock in Republic Bank as provided in sub-paragraph (i) hereof is not effected, an additional amount of P6,006.38 per day as interest from October 1, 1974 until December 31, 1974, and, thereafter, the interest payments shall be computed at the rate of 5.75% per annum, compounded quarterly.	
Total	P67.451

(Exclusive of additional amounts as above indicated)

(b) Furthermore, Republic Bank and/or its shareholders shall do, or cause the performance of, the following:

1. Collect from debtors of Republic Bank within one year from the date of approval of this agreement the amount of at least P30 million out of accounts classified by the Central Bank examiners as "doubtful" and "loss" as per Report of Examination as of October 5, 1973;
2. Sell for cash assets acquired as a result of non-payment of loans of borrowers in the amount of at least P5 million within one year from the date of the approval of this agreement;
3. Increase per deposits by at least P9 million within the same period of one year from approval of this agreement.

To the extent that actual collections of the "doubtful" and "loss" accounts referred to above is less than P30 million and/or the sale for cash of assets acquired as a result of non-payment of loans is less than P5 million or that net increase in deposits is less than P9 million, shareholders of the Republic Bank shall cover the deficiency by corresponding subscriptions to shares of stock; Provided that, in effecting such subscriptions the provisions under Sections 12-B and 12-D of the General Banking Act, as amended, shall be observed. The total subscription shall be proportionately reduced and considered ineffectual by the total amount of loans collected (paragraph (b) [1] above or acquired assets sold for cash (paragraph (b) [2] above) or by the net increase in deposits (paragraph (b) [3] above) provided that the reduction resulting from each item shall not exceed the amount provided herein as to each item. The remaining subscription that shall continue to be effective as determined by CB shall be paid in full without need of call or demand not later than one year from date of approval of this agreement;

(c) For the remaining uncollectible accounts after deducting the projected collection of P30 million mentioned in paragraph (b) [1] above, Republic Bank shall set up a reserve for bad debts on a staggered basis within a period of five years in equal yearly amounts with provisions for annual review;

(d) It is further agreed that all present shareholders of Republic Bank holding preferred shares shall waive all dividends that have accumulated, vested and become due on such preferred shares up to such time that the Development Bank of the Philippines shall have acquired ten per cent (10%) cumulative preferred shares of stock of Republic Bank as stipulated under sub-paragraph (i) hereof;

(e) Republic Bank and/or its shareholders further agree that two (2) members of the Board of Directors of said Bank shall be elected upon nomination by the Development Bank of the Philippines (DBP). One fully paid common share of stock shall be assigned to each of the nominees by stockholder Pablo R. Roman;

(f) The Central Bank shall designate the Comptroller of the Republic Bank;

(g) The shareholders of the Republic Bank shall subscribe to an additional amount of shares of stock with a par value of P12 million, payable in full without need of call or demand within one year from the date of approval of this agreement; Provided, that, said shareholders shall, in effecting such subscription, comply with the provisions of Sections 12-B and 12-D of the General Banking Act, as amended;

(h) The sale of the Mariveles property (Porto del Sol subdivision) of the Republic Bank to Asiatic Integrated Corp. shall be for P52.6 million (acquisition costs plus interest of one per cent [1%] a month) on a five-year payment term with a down payment of P1.8 million and assignment of sales contract receivables;

(i) On the part of the Central Bank and the National Government, they shall loan or deposit, or cause to be loaned or deposited, to the DBP the amounts covered by paragraph (a) above which shall then acquire from the Republic Bank the corresponding amount of ten per cent (10%) cumulative preferred shares of stock of said bank, which shares of stock shall be convertible into common shares at the option of the holder after seven and a half (7-½) years; provided that within

said period, holders of record of common shares of Republic Bank may purchase from the DBP the aforesaid shares of stock at par value including dividends due at the time of purchase. Republic Bank further agrees not to issue any shares of stock with rights and preferences superior to these preferred shares or do any act which would in any way alter or modify the rights and preferences corresponding to such shares while held by DBP;

(j) Central Bank agrees that the balance of the special deposit account of the Republic Bank with the Central Bank representing deposits for the release of collaterals may be allowed to be used by the Republic Bank as part of its legal reserve upon approval of this agreement; provided that, collaterals for emergency advances consisting of real estate mortgages and assignments of credits shall not be released by CB to Republic Bank until such time as the subscription by DBP is effected as stipulated in sub-paragraph (i) hereof;

(k) The Republic Bank, Pablo R. Roman, Victoria B. Roman, Lourdes R. Abello, Araceli R. Mathay, Lucila Reyes, and Jose A. Rojas bind themselves to do, or cause to be done, all corporate and individual acts necessary to implement and complement this agreement;

(l) It is the essence of this agreement that the signatories hereto will comply with all the terms, conditions, and covenants hereof on a reciprocal basis, in all good faith, provided, however, that this agreement shall in no manner whatsoever affect the authority, powers, duties and functions of the Central Bank with respect to the establishment, operation or liquidation of banking and credit institutions, and branches and agencies thereof, and all powers, duties and functions vested in it under Republic Acts No. 265 and 337, both as amended, and other pertinent laws;

(m) The foregoing agreement has been approved by the Monetary Board of the Central Bank as shown by Resolution No. 2565 dated November 22, 1974, hereto attached as Annex "A", and by the Board of Directors of the Republic Bank as shown by Resolution No. 162-74 dated November 28, 1974, hereto attached as Annex "B". The signatories to this agreement further stipulate and represent that all consents and authorizations of persons which are necessary or essential for the implementation of this agreement have been obtained and secured.

IN WITNESS WHEREOF, the parties have hereunto set their hands on the date and at the place first herein-above written.

CENTRAL BANK OF THE
PHILIPPINES
Petitioner

By:

(S/) G.S. LICAROS
(T/) G.S. LICAROS
Governor

REPUBLIC OF THE
PHILIPPINES

By:

(S/) CESAR VIRATA
(T/) CESAR VIRATA
Secretary of Finance
085158—4

REPUBLIC BANK
Respondent

By:

(S/) PABLO R. ROMAN
(T/) PABLO R. ROMAN
President

(S/) PABLO R. ROMAN
(T/) PABLO R. ROMAN

Respondent, Stockholder and as
Representative of majority
stockholders of Republic
Bank

Assisted by:

(S/) ESTELITO P. MENDOZA
(T/) ESTELITO P. MENDOZA
Solicitor General

(S/) REYNATO S. PUNO
(T/) REYNATO S. PUNO
Assistant Solicitor General
F.E. EVANGELISTA &
CICERON B. ANGELES

(S/) LUCILA R. REÑES
(T/) LUCILA R. RYES
Respondent

(S/) VICTORIA B. ROMAN
(T/) VICTORIA B. ROMAN
Respondent

(S/) LOURDES R. ABELLO
(T/) LOURDES R. ABELLO
Respondent

By:

(S/) F.E. EVANGELISTA
(T/) F.E. EVANGELISTA
Director, CB Legal Department

(S/) ARACELI R. MATHAY
(T/) ARACELI R. MATHAY
Respondent

Assisted by:

(S/) NORBERTO J. QUISUMBING
(T/) NORBERTO J. QUISUMBING

With our Agreement:

(S/) JOSE A. ROJAS
(T/) JOSE A. ROJAS

As Stockholder and representa-
tive of majority stockholders
of Republic Bank"

After considering the above-quoted compromise agree-
ment and finding the same not contrary to law, the same
is hereby approved and the parties thereto who are the
parties in this case (L-38224), are enjoined to strictly
comply with the terms and conditions thereof.

This being a compromise agreement voluntarily entered
into by the parties, the same shall be effective and executed
immediately. Let final judgment be entered.

So ORDERED.

*Castro, J., Chairman, Teehankee, Makasiar and Muñoz
Palma, JJ., concur.*

Compromise agreement approved.

[No. L-40004 January 31, 1975]

(EN BANC)

BENIGNO S. AQUINO, JR., TRINIDAD HERRERA, BISHOP FRANCISCO CLAVER, S. J., BISHOP ANTONIO NEPOMUCENO, BISHOP JESUS VARELA, BISHOP FELIX ZAFRA, BISHOP TEOTIMO PACIS, ET. AL., petitioner vs. COMMISSION ON ELECTIONS, and NATIONAL TREASURER, respondents.

Lorenzo M. Tañada, Renato E. Tañada & Wigberto E. Tañada for the petitioners.

Solicitor General Estelito P. Mendoza, Assistant Solicitor General Hugo E. Gutierrez, Jr., Assistant Solicitor General Reynato S. Puno for the respondents.

ORIGINAL PETITION for Prohibition.

SYNOPSIS

In an original petition for prohibition, petitioners seek to nullify Presidential Decrees Nos. 1366, 1366-A, calling for a referendum on February 27, 1975, Presidential Decrees Nos. 629 and 630 appropriating funds therefor, and Presidential Decrees Nos. 637 and 637-A specifying the referendum questions, as well as other related presidential decrees, orders and instructions. Petitioners contend that President Ferdinand E. Marcos does not hold any legal office nor posses any lawful authority under either the 1935 or the 1973 Constitution and therefore has no authority to issue the questioned proclamations, decrees and orders. In addition, petitioners argue that due to the climate of fear generated by Martial Law there can be no true expression of the people's will and that the period for free debate is too short. The Supreme Court ruled that President Ferdinand E. Marcos is the *de jure* President of the Republic of the Philippines and that the questioned proclamations, decrees and orders are valid.

Petition dismissed.

SYLLABUS of the Ruling of the Court

1. CONSTITUTIONAL LAW; PRESIDENT OF THE PHILIPPINES; PETITION CHALLENGING TITLE OF INCUMBENT PRESIDENT THERETO; QUO WARRANTO IN NATURE.—Where the petition for prohibition challenges the title of the incumbent President to the office of the Presidency, such petition is in the nature of a quo warranto proceedings, the appropriate action by which the title of a public officer can be questioned before the courts.
2. ID.; ID.; ID.; ID.; PETITIONERS IN INSTANT CASE WITHOUT RIGHT TO FILE QUO WARRANTO SUIT.—Only the Solicitor General or the person who asserts title to the same office can legally file a quo warranto petition. Since petitioners do not claim such right to the office and not one of them is the incumbent Solicitor General, they have no personality to file the suit.

3. **ID.; PUBLIC OFFICIALS; COLLATERAL ATTACK ON APPOINTMENT OR ELECTION THEREOF NOT ALLOWED.**—It is established jurisprudence that the legality of the appointment or election of a public officer cannot be questioned collaterally through a petition for prohibition assailing the validity of his official acts.
4. **ID.; 1973 CONSTITUTION OF THE PHILIPPINES; EFFECTIVITY UPHELD.**—The Supreme Court had already ruled in the Ratification Cases “that there is no further judicial obstacle to the new Constitution being considered in force and effect. As stressed in the Habeas Corpus cases, the issues of its effectivity “has been laid to rest by Our decision in Javellana versus Executive Secretary (36142, March 31, 1973, 50 SCRA 30, 141), and of course by the existing political realities both in the conduct of national affairs and in our relations with other countries” (Aquino, Jr. *vs.* Enrile and 8 companion cases, L-35546, L-35538-40, L-35547, L-35556, L-35571 and L-35573, Sept. 17, 1974, 59 SCRA 183, 241).
5. **ID.; MARTIAL LAW PROCLAMATION; VALIDITY AFFIRMED.**—The Supreme Court had affirmed the validity of Martial Law Proclamation No. 1081 because there was no arbitrariness in its issuance pursuant to the 1935 Constitution; that the factual bases had not disappeared but had even been exacerbated; that the question of its validity has been foreclosed by Section 3(2) of Article XVII of the 1973 Constitution; and that “any inquiry by this Court in the present cases into the constitutional sufficiency of the factual bases for the proclamation of Martial Law, has become moot and purposeless as a consequence of the general referendum of July 27-28, 1973” (Aquino, Jr. *vs.* Enrile, *supra*).
6. **ID.; PRESIDENT OF THE PHILIPPINES; INCUMBENT PRESIDENT DULY REELECTED UNDER 1935 CONSTITUTION.**—Under the 1935 Constitution, President Ferdinand E. Marcos was duly reelected by an overwhelming vote of the sovereign people in the Presidential elections of 1969 (Osmeña *vs.* Marcos, Presidential Election Contest No. 3, Jan. 8, 1973).
7. **ID.; ID.; ID.; ID.; RIGHT TO CONTINUE IN OFFICE AFTER EXPIRATION OF TERM.**—While the term of office of President Ferdinand E. Marcos under the 1935 Constitution should have terminated on December 30, 1973, by the general referendum of July 27-28, 1973, the sovereign people expressly authorized him to continue in office even beyond 1973 under the 1973 Constitution, and as this was the decision of the people, in whom “sovereignty resides * * * and all government authority emanates * * *,” it is therefore beyond the scope of judicial inquiry (Aquino, Jr. *vs.* Enrile, *et al.*, *supra*).
8. **ID.; 1973 CONSTITUTION OF THE PHILIPPINES; TRANSITORY PROVISIONS; PRESIDENT FERDINAND E. MARCOS IS THE “INCUMBENT PRESIDENT” REFERRED TO.**—Since President Ferdinand E. Marcos is the only incumbent President of the Philippines at the time the new Constitution was approved by the Constitutional Convention, the Constitutional Convention had nobody else in mind except him who shall initially convene the *interim* Assembly. (Sec. 3, Art. XVII, Transitory Provisions). It was the incumbent President Marcos alone who issued Martial Law Proclamation No. 1081, orders, decrees as well as instructions, and performed other acts as President prior to the approval and ratification of the new Constitution. Consequently, he was the only incumbent which the Constitutional Convention had in mind when it provided in Section 3(2), Article XVII “that

all the proclamations, orders, decrees, instructions and acts promulgated, issued or done by the *incumbent President* shall be part of the law of the land, and shall remain valid, legal, binding and effective even after lifting of Martial Law or the ratification of this Constitution, unless modified, revoked or superseded by subsequent proclamations, orders, decrees, instructions or other acts of the *incumbent President*, or unless expressly and explicitly modified or repealed by the regular National Assembly." The same is true with the term *incumbent President* of the Philippines employed in Section 9 thereof.

9. ID.; ID.; ID.; CONCLUSION BUTTRESSED BY PROVISION OF INCUMBENT MEMBERS OF JUDICIARY.—The foregoing conclusions is further buttressed by Section 10 of the same Article XVII which provides that "the *incumbent members of the Judiciary* may continue in office until they reach the age of 70 years unless sooner replaced in accordance with the preceding section hereof." The phrase "incumbent members of the Judiciary" can only refer to those members of the Judiciary who were already Justices and Judges of the various courts of the country at the time of the approval and ratification of the Constitution.
10. ID.; ID.; ID.; RIGHT TO CONTINUE EXERCISING POWERS UNDER BOTH CONSTITUTIONS.—Because President Ferdinand E. Marcos is the incumbent President referred to in Article XVII of the transitory provisions of the 1973 Constitution, he can continue to exercise the powers and prerogatives under the 1935 Constitution and the powers vested in the President and Prime Minister under the new Constitution until he calls upon the *interim* National Assembly (Sec. 3(1), Article XVII, 1973 Constitution).
11. ID.; PRESIDENT OF THE PHILIPPINES; POWER TO PROCLAIM MARTIAL LAW.—Under the 1935 Constitution, the President is empowered to proclaim Martial Law. Under the 1973 Constitution, it is the Prime Minister who is vested with such authority (Sec. 12, Art. IX, 1973 Constitution).
12. ID.; ID.; LAW-MAKING POWER DURING MARTIAL RULE.—As Commander-in-Chief and enforcer or administrator of martial law, the incumbent President of the Philippines can promulgate proclamations, orders and decrees during the period of Martial Law essential to the security and preservation of the Republic, to the defense of the political and social liberties of the people and to the institution of reforms to prevent the resurgence of rebellion or insurrection or secession or the threat thereof as well as to meet the impact of a worldwide recession, inflation or economic crisis which presently threatens all nations including highly developed countries (Rossiter, *Constitutional Dictatorship*, 1948 Ed., pp. 7, 303; see also Chief Justice Stone's Concurring Opinion in *Duncan vs. Kahanamoku*, 327 US 304).
13. ID.; ID.; ID.; POWER AFFIRMED UNDER NEW CONSTITUTION.—The legality of the law-making authority of the President during the period of Martial Law is expressly affirmed under Section 3(2) of Article XVII of the new Constitution. This particular provision is not a grant of authority to legislate, but a recognition of such power as already existing in favor of the *incumbent President* during the period of Martial Law.
14. ID.; ID.; ID.; POWER TO MODIFY, REVOKE OR SUPERSEDE NOT LIMITED TO PROCLAMATIONS PRIOR TO RATIFICATION OF NEW CONSTITUTION.—The power of the President under the second

clause of Section 3(2) to modify, revoke or supersede is not limited merely to his proclamations, orders, decrees, instructions or other acts promulgated, issued or done prior to the ratification of the 1973 Constitution. But even if the scope of his legislative authority thereunder is to be limited to the subject matter of his previous proclamations, orders, decrees or instructions or acts, the challenged proclamations are analogous to the referenda of January, 1973 and July 27-28, 1973.

15. *Id.*; *Id.*; *Id.*; HISTORICAL PRECEDENTS.—The actions of the incumbent President are not without historical precedents. The American Federal Constitution, unlike the 1935 or 1973 Constitution of the Philippines, does not confer expressly on the American President the power to proclaim Martial Law or to suspend the writ of habeas corpus. And yet President Abraham Lincoln during the Civil War, and the President Roosevelt during the Second World War, without express constitutional or statutory authority, created agencies and offices and appropriated public funds therefor in connection with the prosecution of the war. Nobody opposed the same. In the case of President Roosevelt, the theater of war was not in the United States, but in the continents of Europe and Africa and in the Far East. In the Philippines, military engagements between the government forces and the rebels and secessionists are going on, emphasizing the immediacy of the peril to the safety of the Republic itself. There is therefore greater reason to affirm this law-making authority of the incumbent President during the period of Martial Law.
16. *Id.*; 1973 CONSTITUTION OF THE PHILIPPINES; *INTERIM NATIONAL ASSEMBLY*; EXISTENCE DISTINGUISHED FROM ORGANIZATION.—There is a distinction between the existence of the *interim* Assembly and its organization as well as its functioning. The *interim* Assembly already existed from the time the new Constitution was ratified; because Section 1 of Article XVII states that “there shall be an *interim* National Assembly which shall exist immediately upon the ratification of this Constitution and shall continue until the members of the regular National Assembly shall have been elected and shall have assumed office * * *.” However, it cannot function until it is convened and thereafter duly organized with the election of its *interim* speaker and other officials. Such distinction was clearly delineated in *Mejia, et al. vs. Balolong, et al.* (81 Phil. 486).
17. *Id.*; *Id.*; *Id.*; CONVENING LEFT TO THE DISCRETION OF INCUMBENT PRESIDENT.—The Constitutional Convention intended of the time when he shall initially convene the *interim* Assembly, consistent with the prevailing conditions of peace and order in the country.
18. *Id.*; *Id.*; *Id.*; DEFERMENT OF CONVOCATION SUPPORTED BY SOVEREIGN PEOPLE.—The decision of President Marcos to defer the initial convocation of the *interim* National Assembly was supported by the sovereign people at the referendum in January, 1973 when they voted to postpone the convening of the *interim* National Assembly until after at least seven (7) years from the approval of the new Constitution.
19. *Id.*; REFERENDUM; MARTIAL LAW NOT AN OBSTACLE.—The objection that there can be no true expression of the people’s

will in the referendum on February 27, 1975 due to the climate of fear generated by Martial Law is not tenable. During the senatorial elections in 1951 and 1971, the privilege of the writ of habeas corpus was suspended, yet the election was so free that a majority of the senatorial candidates of the opposition party were elected and there was no reprisal against or harassment of any voter thereafter. The same thing was true in the referendum of July 27-28, 1973, which was done also through secret ballot.

20. ID.; ID.; BRIEF PERIOD FOR DEBATE ADDRESSED TO PRESIDENT.—The objection that the two-week period for free debate in the scheduled referendum is too short is addressed to the wisdom of the President who may still amend the proclamation to extend the period of free discussion.
21. ID.; ID.; ID.; COUNTERPART OF BRIEF PERIOD IN PREVIOUS PLEBISCITES.—At any rate, such a brief period of discussion has its counterpart in previous plebiscites for constitutional amendments. Under the Old Society, 15 days were allotted for the publication in three consecutive issues of the *Official Gazette* of the women's suffrage amendment to the Constitution before the scheduled plebiscite on April 30, 1937 (Com. Act No. 34). The constitutional amendment to append as ordinance the complicated Tydings-Kocalskowski Act of the US Federal Congress to the 1935 Constitution was published in only three consecutive issues of the *Official Gazette* for 10 days prior to the scheduled amendments providing for the bicameral Congress, the reelection of the President and Vice-President, and the creation of the Commission on Elections, 20 days of publication in three consecutive issues of the *Official Gazette* was fixed (Com. Act No. 317). And the Parity Amendment, an involved constitutional amendment affecting the economy as well as the independence of the Republic was publicized in three consecutive issues of the *Official Gazette* for 20 days prior to the plebiscite (Republic Act No. 73).

CASTRO, J., separate opinion:

1. CONSTITUTIONAL LAW; 1973 CONSTITUTION OF THE PHILIPPINES; TRANSITORY PROVISIONS; "INCUMBENT PRESIDENT" REFERS TO PRESIDENT FERDINAND E. MARCOS.—The Transitory Provisions (Art XVII) of the 1973 Constitution, more specifically Secs. 2, 3, 9 and 12 thereof, even if they do not mention Ferdinand E. Marcos, clearly point to and recognize him as the constitutional and lawful President of the Philippines.
2. ID.; ID.; ID.; ID.; DOUBT DISSIPATED BY AFFIRMATIVE VOTE OF PEOPLE IN GENERAL REFERENDUM.—If there is any doubt at all that the Transitory Provisions refer to President Marcos as the "incumbent President," then such doubt should be considered as having been completely dissipated by the resounding affirmative vote of the people on this question propounded in general referendum of July 27-28, 1973: "Under the [1973] Constitution, the President, if he so desires, can continue in office beyond 1973. Do you want President Marcos to continue beyond 1973 and finish the reforms he initiated under martial law?"
3. ID.; ID.; ID.; POWER OF INCUMBENT PRESIDENT TO LEGISLATE.—On the matter of whether President Marcos, *at the present time*, can constitutionally exercise legislative power, it need not be postulated that he derives legislative power from the

constraints of a regime of martial law. Pars. 1 and 2 of Sec. 3 of the Transitory Provisions are unequivocal authority for President Marcos to legislate. They constitute an unmistakable constitutional warrant for the "incumbent President" (meaning President Marcos) to legislate (until, at the very earliest the *interim* National Assembly shall have been convoked).

4. *Id.*; *Id.*; *INTERIM NATIONAL ASSEMBLY; CONVENING THEREOF BY INCUMBENT PRESIDENT; A MATTER OUTSIDE THE COMPETENCE OF THE SUPREME COURT.*—The peripheral matter of whether President Marcos should *now* or *soon* convene the *interim* National Assembly is completely outside the competence of the Supreme Court to resolve, as it is a political question addressed principally, basically, and exclusively to the President and the Filipino people.

FERNANDO, *J.*, concurring:

1. *CONSTITUTIONAL LAW; COURTS; JURISDICTION OVER POLITICAL QUESTION; INSTANT CASE.*—Respondent's assertion that the Supreme Court cannot entertain the instant petition for prohibition since the questions raised are political and therefore left for the political sovereign, not the courts, cannot stand the rigor or analysis. It is elemental that constitutionalism implies restraints as well on the process by which lawful and valid state objectives may be achieved. Since what is challenged is the actuation of the incumbent President for alleged failure to comply with constitutional requisites, it is much too late in the day to assert that the petition is not appropriate for the courts. This is not to venture into unchartered judicial territory. There are landmarks all along the way. This is not then to trespass on forbidden ground. There is no disregard of the political question concept.
2. *Id.*; *SUIT AGAINST PUBLIC OFFICIALS; CAPACITY OF PRIVATE CITIZENS TO SUE.*—The standing of petitioners to bring the prohibition suit cannot be attacked as vindicating at most a public right and not protecting their rights as individuals. That would conjure the specter of the public right dogma as an inhibition to parties intent on keeping public officials staying on the path of constitutionalism. As so well put by Jaffe: "The protection of private rights is an essential constituent of public interest and, conversely, without a well-ordered state there could be no enforcement of private rights. Private and public interest are, both in substantive and procedural sense aspects of the totality of legal order." Moreover, petitioners have convincingly shown their capacity to sue as taxpayer.
3. *Id.*; *PROPOSED REFERENDUM; OPPORTUNITY FOR PEOPLE TO EXPRESS THEIR VIEWS.*—Since the opportunity of the people to give expression to their views is implicit in the fundamental principle that sovereignty resides in them, there is no sufficient merit in the petition to call a halt to the scheduled referendum. A different conclusion would be attended by deplorable consequences. For one thing, it would impress with the stigma of illegality the viable procedure that under the stern realities of the present is the only one in the horizon for ascertaining the desire of the people. Moreover, under a republican regime, even under normal times, their role is limited to the choice of public officials, thereafter to be held to accountability through their informed, even immoderate, criticism. Now with the proposed Referendum,

they will be sounded out on what they think and how they feel on matters of significance.

4. ID.; ID.; A STEP IN THE RIGHT DIRECTION.—Even assuming its consultative character, the scheduled referendum remains at the very least a step in the right direction. It may not go far enough but there is progress of sorts that hopefully may eventually lead to the goal of complete civilian rule. When people are allowed to express their wishes and voice their opinions, the concept of popular sovereignty, more so under crisis conditions, becomes impressed with a meaning beyond that of lyric liturgy or acrimonious debate devoid of illumination. Nor is this to discern new waves of hope that may ultimately dissolve in the sands of actuality. It is merely to manifest fidelity to the fundamental principle of the Constitution.
5. ID.; PRINCIPLE OF SOVEREIGNTY; WILL OF THE PEOPLE IS DECISIVE.—The will of the people if given expression even in an official manner but accurately ascertained, is impressed with decisive significance. It is more than just a foundation for societal or political development. Whenever appropriate, it determines what is to be done. Its significance is vital, not merely formal. It is understandable then why in *Javellana vs. The Executive Secretary*, L-36142, March 31, 1973, one of the issues passed upon by the Supreme Court is the effect of acquiescence by the people to the present Constitution even on the assumption that it was not ratified in accordance with the 1935 Charter.
6. ID.; PRESIDENTIAL DECREES IMPLEMENTING PROPOSED REFERENDUM; VALIDITY.—The Presidential Decrees implementing the proposed Referendum do not suffer from the corrosion of substantial constitutional infractions. It, therefore, becomes unnecessary to inquire into the nature of the authority conferred on the incumbent President under the Transitory Provisions, whether purely executive or both executive and legislative. That question should be left for another day. What cannot be ignored is that with a National Assembly in existence but not convened, it is only the Executive that can perform those essential and indispensable functions of dealing with the actual conduct of public affairs. That is the reality that stares us in the face. To deny his power to issue decrees and to appropriate public funds is thus to assure the paralyzation and impotence of government. Precisely then if a Referendum may lend itself to a reappraisal of the situation, by all means let it be conducted.
7. ID.; MARTIAL LAW; EFFECT ON PROPOSED REFERENDUM.—Petitioners submit that under martial law, with people denied their basic freedoms, particularly their freedoms of expression and assembly, the referendum cannot be validly held. There is still that feeling of insecurity as to what the morrow may bring, not from high and responsible officials, of course, but from those much lower in the ranks, whether in the armed forces or in the civilian component. Abuses, in the nature of things cannot be completely curbed. In that sense, my misgiving are not unjustified. Nonetheless, I gain reassurance from the fact "the Philippine brand of martial law [is] impressed with a mild character." There is by and large a high degree of confidence in the capabilities and moderation of those entrusted with its implementation.
8. ID.; BILL OF RIGHTS; FREEDOMS OF EXPRESSION AND ASSEMBLY; MUST BE ALLOWED FULL OPERATION.—The constitutional rights to freedoms of expression and of assembly are once again enshrined in our Bill of Rights—and in the very same

language. If the Constitution is now fully in force, they must be allowed full operation. I do not deny that they are not absolute in character but the limitation is supplied by the clear and present danger test. Nor do I deny that under emergency conditions, it is not unreasonable to enlarge the area of state authority, to seek national cohesiveness, and to discourage dissent. What I cannot sufficiently stress though is that dissent, even during such periods of stress, is not disloyalty, much less subversion. Thus the citizens can invoke in the exercise of the freedoms of expression and of assembly not the challenged decrees but their constitutional rights. Moreover, as thus construed as they should be to avoid any taint of invalidity, they may be pulled back from the edge of the constitutional precipice. It would follow, and that would be to the credit of the Executive, that even in these trying and parlous times, there is adherence to a tolerant, compassionate view of life.

9. *Id.*; *Id.*; *Id.*; OLD LANDMARKS OF THE LAW AS GUIDES.—For me the old landmarks of the law are still there to serve as guides, that precedents do serve as factors for continuity and stability not to be ignored but also not to be slavishly obeyed. For the constitutional law more than in any other branch of juristic science, much depends on the immediacy and reality of the specific problems to be faced. Hence it has been truly said in days of crisis or of emergency, to stand still is to lose ground. Nonetheless, one has always to reckon with the imponderables and the intangibles, even so often elusive to our understanding and disheartening to our deeply-cherished convictions. For he has no choice but to comply as best he can with the duty to decide in accordance with legal forms with roots that go far deeper than his personal preferences and predilections.

MUÑOZ PALMA, J., separate opinion:

1. CONSTITUTIONAL LAW; 1973 CONSTITUTION; TRANSITORY PROVISIONS; PRESIDENT FERDINAND E. MARCOS IS THE "INCUMBENT PRESIDENT" REFERRED TO.—President Ferdinand E. Marcos and no other is the person referred to as "incumbent President" in the Transitory Provisions of the 1973 Constitution, because at the time the draft of the new Constitution was being prepared and when it was finally signed by the Constitutional Convention delegates, it was President Marcos who was holding the position of President of the Philippines.
2. *Id.*; *Id.*; *Id.*; *Id.*; AUTHORITY TO CONTINUE AS PRESIDENT DURING TRANSITION PERIOD.—As such incumbent President, President Marcos was vested by Section 3(1) of the Transitory Provisions with constitutional authority to continue as President of the Philippines during the transition period, that is, until the *interim* President and the *interim* Prime Minister shall have been elected by the *interim* National Assembly who shall then exercise their respective powers vested by the new Constitution, after which the office of the incumbent President ceases.
3. *Id.*; *Id.*; *Id.*; *Id.*; EXECUTIVE POWERS DURING TRANSITION PERIOD.—During the transition period, President Marcos was given extraordinary powers consisting of the powers and prerogatives of the President under the 1935 Constitution, and the powers vested in the President and the Prime Minister under the 1973 Constitution.
4. *Id.*; *Id.*; *Id.*; *Id.*; LEGISLATIVE POWERS.—Aside from his vast executive powers, the incumbent President was granted

under Section 3(2) of the same Transitory Provisions legislative powers, in the sense, that all proclamations, orders, decrees, instructions, and acts which were promulgated, issued, or done by him before the ratification of the Constitution were declared part of the law of the land, to remain valid, legal, binding or effective even after the lifting of martial law or the ratification of the Constitution, unless modified, revoked or superseded by subsequent proclamations, etc., by him or unless expressly and explicitly modified or repealed by the regular National Assembly.

5. ID.; ID.; ID.; ID.; ID.; EXISTENCE THEREOF AFTER RATIFICATION OF CONSTITUTION.—Whether or not the *unlimited legislative power* of the President continues to exist even after the ratification of the Constitution cannot be conceded at the moment, and is not essential in resolving the petition. Nonetheless, the President is empowered to issue proclamations, orders, decrees, etc., to carry out and implement the objectives of the proclamation of martial law be it under the 1935 or 1973 Constitution, and for orderly and efficient functioning of the government, its instrumentalities, and agencies. This grant of legislative power is necessary to fill up a vacuum during the transition period when the *interim* National Assembly is not yet convened and functioning, for otherwise, there will be a disruption of official functions resulting in a collapse of the government and of the existing social order.
6. ID.; ID.; ID.; ID.; INTERIM NATIONAL ASSEMBLY; INCUMBENT PRESIDENT NOT GRANTED INDEFINITE TIME TO INITIALLY CONVENE SAME.—Because the grant of vast executive and legislative powers to the incumbent President will necessarily result in what the petitioners call a one-man rule as there is a concentration of power in one person, it could not have been the intent of the framers of the new Constitution to grant to the incumbent President an indefinite period of time within which to initially convene the *interim* National Assembly and to set in motion the formation of the Parliamentary form of government which was one of the purposes of adopting a new Constitution.
7. ID.; ID.; ID.; ID.; ID.; AUTOMATIC EXISTENCE UPON RATIFICATION OF NEW CONSTITUTION.—The *interim* National Assembly came automatically into existence upon the ratification of the 1973 Constitution. As a matter of fact, from the submission of the Solicitor General, it appears that many if not all of those entitled to become members of the *interim* National Assembly have opted to serve therein and have qualified thereto in accordance with the requirements of Section 2 of the Transitory Provisions.
8. ID.; ID.; ID.; ID.; ID.; ABSENCE OF SPECIFIC PERIOD FOR PRESIDENT TO CONVENE NOT PLACING MATTER AT HIS PLEASURE.—The absence of a specific period of time for the President to initially convene the *interim* assembly cannot be reasonably construed as placing the matter at his sole pleasure and convenience for to do so would enable the incumbent President to keep the *interim* National Assembly in 'suspended animation and prevent it from becoming fully operational as long as he pleases. This would violate the very spirit and intent of the 1973 Constitution more particularly its Transitory Provisions to institute a form of government, during the transition period, based upon the fundamental principle of the

"separation of powers," with its checks and balances, by specifically providing that there shall exist immediately upon the ratification of the 1973 Constitution an *interim* National Assembly in which legislative power shall be vested, that there shall be the incumbent President who shall exercise all the powers and prerogatives which are executive in character, and that the judicial power shall continue to be vested in the Judiciary existing at the time of the coming into force and effect of the 1973 Constitution. The situation would also render nugatory the provisions of Section 5 of the Transitory Provisions which assign to the *interim* National Assembly a vital role to perform during the transition period.

9. ID.; ID.; ID.; ID.; CONVENING THEREOF ADDRESSED TO DISCRETION OF PRESIDENT.—While the convening of the *interim* National Assembly cannot be said to be simply at the pleasure and convenience of the President, however, the matter is one addressed to his sound discretion and judgment for which he is answerable alone to his conscience, to the people he governs, to posterity, and to history.
10. ID.; REFERENDUM; CALLING THEREOF, A CONSULTATIVE ACT OF PRESIDENT.—The act of the President in calling a referendum on February 27, 1975 is not really in the nature of a legislative act which violates the present Constitution. There is no prohibition in the Constitution for the Chief Executive or the President to consult the people on national issues which in his judgment are relevant and important. The word "*consult*" is used because in effect the measure taken by the President is nothing more than consultative in character and the mere fact that such measure or device is called a referendum in the Presidential Decrees in question will not affect nor change in any manner its true nature which is simply a means of assessing public reaction to the given issues submitted to the people for their consideration. Calling the people to a consultation is derived from or within the totality of the executive power of the President, and because this is so, it necessarily follows that he has the authority to appropriate the necessary amount from public funds which are subject to his executive control and disposition to accomplish the purpose.
11. ID.; ID.; NO FAR-REACHING SIGNIFICANCE IF HELD UNDER MARTIAL RULE.—A referendum held under a regime of martial law can be of no far-reaching significance because it is being accomplished under an atmosphere or climate of fear. There can be no valid comparison between a situation under martial rule and one where the privilege of the writ of habeas corpus is suspended, because the former entails a wider area of curtailment and infringement of individual rights, such as, human liberty, property rights, rights of free expression and assembly, protection against unreasonable searches and seizures, liberty of abode and of travel, etc.
12. ID.; ID.; CHANGE OF LOCAL GOVERNMENT; RESULTS OF VOTES THEREON MAY BE IGNORED BY PRESIDENT.—Whatever may be the totality of the answers given to the proposed referendum questions on local government will be of no real value to the President because under Article XI, Section 2, 1973 Constitution, it is the National Assembly which is empowered to enact a local government code, and any change in the existing form of local government shall not take effect until ratified by the majority of the votes cast in a plebiscite called for the purpose, all of which cannot be complied with for the simple reason that for the present there is no National

Assembly, Moreover, any vote given on this matter cannot be truly intelligent considering the vagueness of the question as drafted and the short period of time given to the citizenry to study the so-called manager or commission type of local government being submitted to the voters.

MAKASIAR, J.:

I

This petition for prohibition, which was filed on January 21, 1975, seeks the nullification of Presidential Decrees Nos. 1366, 1366-A, calling a referendum for February 27, 1975, Presidential Decrees Nos. 629 and 630 appropriating funds therefor, and Presidential Decrees Nos. 637 and 637-A specifying the referendum questions, as well as other presidential decrees, orders and instructions relative to the said referendum.

The respondents, through the Solicitor General, filed their comment on January 28, 1975. After the oral argument of over 7 hours on January 30, 1975, the Court resolved to consider the comment as answer and the case submitted for decision.

The first ground upon which the petition is predicated states that President Ferdinand E. Marcos does not hold any legal office nor possess any lawful authority under either the 1935 Constitution or the 1973 Constitution and therefore has no authority to issue the questioned proclamations, decrees and orders. This challenges the title of the incumbent President to the office of the Presidency and therefore is in the nature of a *quo warranto* proceedings, the appropriate action by which the title of a public officer can be questioned before the courts. Only the Solicitor General or the person who asserts title to the same office can legally file such a *quo warranto* petition. The petitioners do not claim such right to the office and not one of them is the incumbent Solicitor General. Hence, they have no personality to file the suit (*Castro vs. Del Rosario*, Jan. 30, 1967, 19 SCRA 197; *City of Manila & Antonio Villegas vs. Abelardo Subido, et al.*, May 20, 1966, 17 SCRA 231-232, 235-236; *Nacionalista Party vs. Bautista*, 85 Phil. 101; and *Nacionalista Party vs. Vera*, 85 Phil. 127). It is established jurisprudence that the legality of the appointment or election of a public officer cannot be questioned collaterally through a petition for prohibition which assails the validity of his official acts.

The foregoing governing legal principles on public officers are re-stated in order to avert any misapprehen-

sion that they have been eroded by Our resolution in the instant petition.

Because of the far-reaching implications of the herein petition, the Court resolved to pass upon the issues raised.

II

This Court already ruled in the Ratification Cases "that there is no further judicial obstacle to the new Constitution being considered in force and effect." As Chief Justice Makalintal stressed in the Habeas Corpus cases, the issue as to its effectivity "has been laid to rest by Our decision in *Javellana versus Executive Secretary* (L-36142, March 31, 1973, 50 SCRA 30, 141), and of course by the existing political realities both in the conduct of national affairs and in our relations with other countries" (Aquino, Jr. *vs.* Enrile and 8 companion cases, L-35546, L-35538-40, L-35547, L-35556, L-35571 and L-35573 Sept. 17, 1974, 59 SCRA 183, 241).

III

In the aforesaid Habeas Corpus cases, We affirmed the validity of Martial Law Proclamation No. 1081 issued on September 22, 1972 by President Marcos because there was no arbitrariness in the issuance of said proclamation pursuant to the 1935 Constitution; that the factual bases had not disappeared but had even been exacerbated; that the question as to the validity of the Martial Law proclamation has been foreclosed by Section 3(2) of Article XVII of the 1973 Constitution, which provides that "all proclamations, orders, decrees, instructions and acts promulgated, issued or done by the incumbent President shall be part of the law of the land and shall remain valid, legal, binding and effective even after the lifting of Martial Law or the ratification of this Constitution * * *"; and that "any inquiry by this Court in the present cases into the constitutional sufficiency of the factual bases for the proclamation of Martial Law, has become moot and purposeless as a consequence of the general referendum of July 27-28, 1973. The question propounded to the voters was: 'Under the (1973) Constitution, the President, if he so desires, can continue in office beyond 1973. Do you want President Marcos to continue beyond 1973 and finish the reforms he initiated under Martial Law?' The overwhelming majority of those who cast their ballots, including citizens beyond 15 and 18 years, voted affirmatively on the proposal. The question was thereby removed from the area of presidential power under the Constitution and transferred to the seat of sovereignty itself. Whatever may be the nature of the exercise of that power by the President in the beginning—whether or

not purely political and therefore non-justiciable—this Court is precluded from applying its judicial yardstick to the act of the sovereign.” (Aquino, Jr. *vs.* Enrile, *supra*, 59 SCRA 183, 240–242).

Under the 1935 Constitution, President Ferdinand E. Marcos was duly reelected by the vote of the sovereign people in the Presidential elections of 1969 by an overwhelming vote of over 5,000,000 electors as against 3,000,000 votes for his rival, garnering a majority of from about 896,498 to 1,436,118 (Osmeña *vs.* Marcos, Presidential Election Contest No. 3, Jan. 8, 1973). While his term of office under the 1935 Constitution should have terminated on December 30, 1973, by the general referendum of July 27–28, 1973, the sovereign people expressly authorized him to continue in office even beyond 1973 under the 1973 Constitution (which was validly ratified on January 17, 1973 by the sovereign people) in order to finish the reforms he initiated under Martial Law; and as aforestated, as this was the decision of the people, in whom “sovereignty resides * * * and all government authority emanates * *” it is therefore beyond the scope of judicial inquiry (Aquino, Jr. *vs.* Enrile, *et. al.*, *supra*, p. 242).

The logical consequence therefore is that President Marcos is a *de jure* President of the Republic of the Philippines.

IV

The next issue is whether he is the incumbent President of the Philippines within the purview of Section 3 of Article XVII on the transitory provisions of the new or 1973 Constitution. As heretofore stated, by virtue of his reelection in 1969, the term of President Marcos under the 1935 Constitution was to terminate on December 30, 1973. The new Constitution was approved by the Constitutional Convention on November 30, 1972, still during his incumbency. Being the only incumbent President of the Philippines at the time of the approval, of the new Constitution by the Constitutional Convention, the Constitutional Convention had nobody in mind except President Ferdinand E. Marcos who shall initially convene the *interim* Assembly. It was the incumbent President Marcos alone who issued Martial Law Proclamation No. 1081 on September 22, 1972 and issued orders and decrees as well as instructions and performed other acts as President prior to the approval on November 30, 1972 of the new Constitution by the Constitutional Convention and prior to its ratification on January 17, 1973 by the people. Consequently, since President Marcos was the only incumbent President at the time, because his term under

the 1935 Constitution has yet to expire on December 30, 1973, the Constitutional Convention, in approving the new Constitution, had in mind only him when in Section 3(2) of Article XVII of the new Constitution it provided "that all the proclamations, orders, decrees, instructions and acts promulgated, issued or done by the *incumbent President* shall be part of the law of the land, and shall remain valid, legal, binding and effective even after lifting of Martial Law or the ratification of this Constitution, unless modified, revoked or superseded by subsequent proclamations, orders, decrees, instructions or other acts of the *incumbent President*, or unless expressly and explicitly modified or repealed by the regular National Assembly."

The term *incumbent President* of the Philippines employed in Section 9 of the same Article XVII likewise could only refer to President Ferdinand E. Marcos.

This conclusion is further buttressed by Section 10 of the same Article XVII which provides that "the *incumbent members of the Judiciary* may continue in office until they reach the age of 70 years unless sooner replaced in accordance with the preceding section hereof." There can be no dispute that the phrase "incumbent members of the Judiciary" can only refer to those members of the Judiciary who were already Justices and Judges of the various courts of the country at the time the Constitutional Convention approved the new Constitution on November 30, 1972 and when it was ratified.

Because President Ferdinand E. Marcos is the incumbent President referred to in Article XVII of the transitory provisions of the 1973 Constitution, he can "continue to exercise the powers and prerogatives under the nineteen hundred and thirty five Constitution and the powers vested in the President and the Prime Minister under this Constitution until he calls upon the *interim* National Assembly to elect the *interim* President and the *interim* Prime Minister, who shall then exercise their legislative powers vested by this Constitution (Sec. 3[1], Art. XVII, 1973 Constitution).

Under the 1935 Constitution, the President is empowered to proclaim martial law. Under the 1973 Constitution, it is the Prime Minister who is vested with such authority (Sec. 12, Art. IX, 1973 Constitution).

WE affirm the proposition that as Commander-in-Chief and enforcer or administrator of martial law, the incumbent President of the Philippines can promulgate proclamations, orders and decrees during the period of Martial Law essential to the security and preservation of the Republic, to the defense of the political and social liberties of the people and to the institution of reforms

to prevent the resurgence of rebellion or insurrection or secession or the threat thereof as well as to meet the impact of a worldwide recession, inflation or economic crisis which presently threatens all nations including highly developed countries (Rossiter, *Constitutional Dictatorship*, 1948 Ed., pp. 7, 303; see also Chief Justice Stone's Concurring Opinion in *Duncan vs. Kahanamoku*, 327 US 304).

To dissipate all doubts as to the legality of such law-making authority by the President during the period of Martial Law, Section 3(2) of Article XVII of the [New Constitution expressly affirms that all the proclamations, orders, decrees, instructions and acts he promulgated, issued or did prior to the approval by the Constitutional Convention on November 30, 1972 and prior to the ratification by the people on January 17, 1973 of the new Constitution, are "part of the law of the land, and shall remain valid, legal, binding and effective even after the lifting of Martial Law or the ratification of this Constitution, unless modified, revoked or superseded by subsequent proclamations, orders, decrees, instructions or other acts of the incumbent President, or unless expressly and specifically modified or repealed by the regular National Assembly."

The entire paragraph of Section 3(2) is not a grant of authority to legislate, but a recognition of such power as already existing in favor of the incumbent President during the period of Martial Law.

Dr. Jose M. Aruego, noted authority in Constitutional Law as well as delegate to the 1935 and 1971 Constitutional Conventions, shares this view, when he states thus:

"108. * *—These Presidential Proclamations, orders, decrees, instructions, etc. had been issued by the incumbent President in the exercise of what he considered to be his powers under martial law, in the same manner that the lawmaking body had enacted several thousand statutes in the exercise of what it considered to be its power under the Organic Laws. Both these classes of rules of law—by the President and by the lawmaking body—were, under general principles of constitutional law, presumed to be constitutional until declared unconstitutional by the agency charged with the power and function to pass upon constitutional law questions—the Judiciary, at the apex of which is the Supreme Court. Hence, the inclusion of both group of rules—Presidential rules and legislative rules—in the new Constitution for the people to approve or disapprove in the scheduled plebiscite." (Aruego, *The New Constitution*, 1973 Ed., p. 230).

Delegate Arturo Pacificador, a Floor Leader of the 1971 Constitutional Convention, in explaining Section 3(2) of Article XVII, underscores this recognition of the legislative power of the incumbent President as Commander-in-Chief during Martial Law, thus:

"The *second paragraph* sets forth the understanding of the Convention of the nature, extent and scope of the powers of the incumbent President of the Philippines, under martial law. *It expressly recognizes that the commander-in-chief, under martial law, can exercise all necessary powers to meet the perils of invasion, insurrection, rebellion or imminent danger thereof. This provision complements Section 7, Article XVII of the Constitution that 'all existing laws not inconsistent with this Constitution shall remain operative until amended, modified, or repealed by the National Assembly.'*

"*The second paragraph is an express recognition on the part of the framers of the new Constitution of the wisdom of the proclamations, orders, decrees and instructions by the incumbent President in the light of the prevailing conditions obtaining in the country.*" (Montejo, New Constitution, 1973 Ed., p. 314, italic supplied).

The power under the second clause of Section 3(2) is not limited merely to modifying, revoking or superseding all his proclamations, orders, decrees, instructions or other acts promulgated, issued or done prior to the ratification of the 1973 Constitution. But even if the scope of his legislative authority thereunder is to be limited to the subject matter of his previous proclamations, orders, decrees or instructions or acts, the challenged Proclamations Nos. 1366 and 1366-A, as well as Presidential Decrees Nos. 629, 630, 637 and 637-A are analogous to the referenda of January, 1973 and July 27-28, 1973.

The actions of the incumbent President are not without historical precedents. It should be recalled that the American Federal Constitution, unlike the 1935 or 1973 Constitution of the Philippines, does not confer expressly on the American President the power to proclaim Martial Law or to suspend the writ of *habeas corpus*. And yet President Abraham Lincoln during the Civil War, and President Roosevelt during the Second World War, without express constitutional or statutory authority, created agencies and offices and appropriated public funds therefor in connection with the prosecution of the war.

Nobody raised a finger to oppose the same. In the case of President Roosevelt, the theater of war was not in the United States. It was thousand of miles away, in the continents of Europe and Africa and in the Far East. In the Philippines, military engagements between the government forces and the rebels and secessionists are going on, emphasizing the immediacy of the peril to the safety of the Republic itself. There is therefor greater reason to affirm this law-making authority in favor of the incumbent President during the period of Martial Law.

Petitioners further argue that the President should call the *interim* National Assembly as required of him by Section 3(1) of Article XVII, which National Assembly alone can exercise legislative powers during the period of transition.

It should be stressed that there is a distinction between the existence of the *interim* Assembly and its organization as well as its functioning. The *interim* Assembly already existed from the time the new Constitution was ratified; because Section 1 of Article XVII states that "there shall be an *interim* National Assembly which shall exist immediately upon the ratification of this Constitution and shall continue until the members of the regular National Assembly shall have been elected and shall have assumed office * * *." However, it cannot function until it is convened and thereafter duly organized with the election of its *interim* speaker and other officials. This distinction was clearly delineated in the case of *Mejia, et al. vs. Balolong, et al.* where We held that from the phrase "the City of Dagupan, which is hereby created, * * *," Dagupan City came into existence as a legal entity upon the approval of its Charter; but the date of the organization of the city government was to be fixed by the President of the Philippines, and necessarily was subsequent to the approval of its organic law (81 Phil. 486, 490-492).

Petitioners likewise urge that the President should have convened the *interim* Assembly before the expiration of his term on December 30, 1973. The Constitutional Convention intended to leave to the President the determination of the time when he shall initially convene the *interim* National Assembly, consistent with the prevailing conditions of peace and order in the country. This was revealed by no less than Delegate Jose M. Aruego himself, who stated:

"109. Convening the *interim* National Assembly.—The Constitutional Convention could have fixed the date when the *interim* National Assembly should convene itself as it did with respect to the regular National Assembly. There would not have been any need for any Presidential call as there is none, with respect to the regular National Assembly.

"But considering that the country had been already placed under martial law rule the success of which was conditioned upon the unity not only of planning but also in the execution of plans, many delegates felt that the incumbent President should be given the discretion to decide when the *interim* National Assembly should be convened because he would need its counsel and help in the administration of the affairs of the country.

"And in the event that it should convene, why did the *interim* National Assembly not fix its *tenure*, and state expressly when the election of the members of the *regular* National Assembly should be called? Many of the delegates felt that they could not be sure even of the proximate date when the general conditions of peace and order would make possible orderly elections, * * *." (The New Philippine Constitution by Aruego, 1973 Ed., p. 230).

This was also disclosed by Delegate Arturo F. Pacifador, who affirmed:

"Under the first paragraph of this section, the incumbent President is mandated to initially convene the *interim* National Assembly.

"Note that the word used is 'shall' to indicate the mandatory nature of the desire of the Constitutional Convention that the *interim* National Assembly shall be convened by the incumbent President. The Constitutional Convention, however, did not fix any definite time at which the incumbent President shall initially convene the *interim* National Assembly. This decision was deliberate to allow the incumbent President enough latitude of discretion to decide whether in the light of the emergency situation now prevailing, conditions have already normalized to permit the convening of the *interim* National Assembly." (Montejo, *The New Constitution*, 1973 Ed., p. 314).

It is thus patent that the President is given the discretion as to when he shall convene the *interim* National Assembly after determining whether the conditions warrant the same.

His decision to defer the initial convocation of the *interim* National Assembly was supported by the sovereign people at the referendum in January, 1973 when the people voted to postpone the convening of the *interim* National Assembly until after at least seven (7) years from the approval of the new Constitution. And the reason why the same question was eliminated from the questions to be submitted at the referendum on February 27, 1975, is that even some members of the Congress and delegates of the Constitutional Convention, who are already *ipso facto* members of the *interim* National Assembly, are against such inclusion; because the issue was already decided in the January, 1973 referendum by the sovereign people indicating thereby their disenchantment with any Assembly as the former Congress failed to institutionalize the reforms they demanded and had wasted public funds through endless debates without relieving the suffering of the general mass of citizenry.

Petitioners likewise impugn the scheduled referendum on the ground that there can be no true expression of the people's will due to the climate of fear generated by Martial Law and that the period of free discussion and debate is limited to two weeks from February 7 to 21, without right or rebuttal from February 22 until the day of the referendum.

The first objection is not tenable because during the senatorial elections in 1951 and 1971, the privilege of the writ of habeas corpus was suspended, during which period of suspension there was fear of arrest and detention. Yet the election was so free that a majority of the senatorial candidates of the opposition party were elected and there was no reprisal against or harassment of any voter thereafter. The same thing was true in the referendum of July 27-28, 1973, which was done also through secret ballot. There was no Army, PC, or police truck, bus or other mode of transportation utilized to transport the

voters to the various precincts of the country. There was no PC, Army or police personnel assigned to each election precinct or voting booth. And such assignment would be impossible; because the combined membership of the police, PC, and Army was then as now very much less than the number of precincts, let alone the number of voting booths. And no one would be left to fight the rebels or to maintain peace and order. And as heretofore stated, the voting was done in secrecy. Only one voter at a time entered the voting booth. The voting was orderly. There was no buying of votes or buying the right not to vote. And as opined by the Solicitor General, every qualified voter who fails to register or go to the polling place on referendum day is subject to prosecution; but failure to fill up the ballot is not penalized.

In the Habeas Corpus cases, supra, We declared that the result of the referendum on July 27-28, 1973 was a decision by the sovereign people which cannot be reviewed by this Court. Then again, it is too late now for petitioners to challenge the validity of said referendum.

Moreover, as stressed by the Solicitor General, the previous referenda of January and July, 1973, were a lot more free than the elections under the Old Society previous to the proclamation of Martial Law, where the will of the voter was subverted through "guns, goons and gold," as well as through fraud. All modes of transportation were utilized by the candidates and their leaders to transport the voters to the precinct. The voters were likewise wine and dined and so prostituted that they refused to vote until the required monetary persuasion was proffered, if they were not being subjected to various forms of intimidation. In some areas, the ballots were filled up and the election returns were accomplished before election day. Even animals and dead persons voted. The decisions in the electoral contests filed after every election under the Old Society attest to this very unflattering fact in our history.

The second objection that the two-week period for free debate is too short, is addressed to the wisdom of the President who may still amend the proclamation to extend the period of free discussion.

At any rate, such a brief period of discussion has its counterpart in previous plebiscites for constitutional amendments. Under the Old Society, 15 days were allotted for the publication in three consecutive issues of the *Official Gazette* of the women's suffrage amendment to the Constitution before the scheduled plebiscite on April 30, 1937 (Com. Act No. 34). The constitutional amendment to append as ordinance the complicated Tydings-Ko-
cialaskowski Act of the US Federal Congress to the 1935

Constitution was published in only three consecutive issues of the *Official Gazette* for 10 days prior to the scheduled plebiscite (Com. Act No. 492). For the 1940 constitutional amendments providing for the bicameral Congress, the reelection of the President and Vice President, and the creation of the Commission on Elections, 20 days of publication in three consecutive issues of the *Official Gazette* was fixed (Com. Act No. 517). And the Parity Amendment, an involved constitutional amendment affecting the economy as well as the independence of the Republic was publicized in three consecutive issues of the *Official Gazette* for 20 days prior to the plebiscite (Rep. Act No. 73).

The period of 14 days for free discussion can compare favorably with the period required for publication of the proposed amendments under the Old Society.

WHEREFORE, President Ferdinand E. Marcos is hereby declared *de jure* President of the Republic, Presidential Proclamations Nos. 1366 and 1366-A and Presidential Decrees Nos. 629, 630, 637 and 637-A are hereby declared valid, and the petition is hereby dismissed. Without costs.

Antonio, Esguerra, Fernandez, Muñoz Palma and Aquino, JJ., concur.

Makalintal, C. J., In the result.

Petition dismissed.

CASTRO, J.:

I vote to deny the petition.

At the threshold, and only for the purposes of this separate capsule opinion, I will *assume* (a) that this case before us is not in the nature of a *quo warranto* proceeding; (b) that the petitioners possess legal standing before the Court; and (c) that all the petitioners, whatever be the persuasion of their counsel, recognize the Court as the supreme judicial tribunal operating and functioning under the 1973 Constitution.

I find no particular difficulty in resolving what I regard as the *two crucial issues* posed by the petition.

1. On the matter of whether Ferdinand E. Marcos is still the President of the Philippines, the Transitory Provisions (Art. XVII) of the 1973 Constitution, more specifically Secs. 2, 3, 9 and 12 thereof, even if they not mention him by name, clearly point to and recognize Ferdinand E. Marcos as the constitutional and lawful President of the Philippines. If there is any doubt at all—and I do not personally entertain any—that the said Transitory Provisions refer to President Marcos as the “incumbent President,” then such doubt should be considered as having

been completely dissipated by the resounding *affirmative* vote of the people on this question propounded in general referendum of July 27-28, 1973: "Under the [1973] Constitution, the President, if he so desires, can continue in office beyond 1973. Do you want President Marcos to continue beyond 1973 and finish the reforms he initiated under martial law?"

2. On the matter of whether President Marcos, *at the present time*, can constitutionally exercise legislative power, I do not need to postulate that he derives legislative power from the constraints of a regime of martial law. To my mind, pars. 1 and 2 of Sec. 3 of the Transitory Provisions are unequivocal authority for President Marcos to legislate. These paragraphs read:

"The incumbent President of the Philippines shall initially convene the *interim* National Assembly and shall preside over its sessions until the *interim* Speaker shall have been elected. He shall continue to exercise his powers and prerogatives under the nineteen hundred and thirty-five Constitution and the powers vested in the President and the Prime Minister under this Constitution until he calls upon the *interim* National Assembly to elect the *interim* President and the *interim* Prime Minister, who shall then exercise their respective powers vested by this Constitution."

"All proclamations, orders, decrees, instructions, and acts promulgated, issued, or done by the incumbent President shall be part of the law of the land, and shall remain valid, legal, binding, and effective even after [the] lifting of martial law or the ratification of this Constitution, unless modified, revoked, or superseded by subsequent proclamations, orders, decrees, instruction, or other acts of the incumbent President, or unless expressly and explicitly modified or repealed by the regular National Assembly."

Stated elsewhere, my reading of these provisions is that they constitute an unmistakable constitutional warrant for the "incumbent President" (meaning President Marcos) to legislate (until, at the very earliest, the *interim* National Assembly shall have been convoked).

The peripheral matter of whether President Marcos should *now* or *soon* convene the *interim* National Assembly is completely outside the competence of the Supreme Court to resolve, as, in my view, it is a political question addressed principally, basically, and exclusively to the President and the Filipino people.

Makalintal, C. J., Barredo, Antonio, Esguerra and Fernandez, JJ., concur.

FERNANDO, J., concurring:

It is a crucial question that is posed by this petition to call a halt to the February 27 referendum because of alleged constitutional transgressions. It is one fundamental in its essence, and what is more, impressed with the sense of immediacy to quiet doubts and to minimize un-

certainties. There has been a quick response, hopefully not one given in haste, which is the enemy of thought. For all the vigor and the learning that characterized the advocacy of Senator Lorenzo M. Tañada, it did not suffice to elicit a favorable verdict. The petition did not prosper. So it has been adjudged, and I concur in the result reached. It is given expression in the notable opinion penned by Justice Makasiar which, on its face, betrays sensitivity to the magnitude and the grave implications of the serious problem posed. What is more, it has not avoid subsidiary issues which reach into vital areas of our constitutional system. To the extent that it reiterates tried and tested doctrines, I am of course in agreement. Certainly, there is not much difficulty for me in reaching the conclusion that the term incumbent President" in the Transitory Provisions means what it says. If I submit this brief concurrence, it is only because of my belief that notwithstanding the brilliant and illuminating argumentation in depth by both eminent counsel, ranging far and wide in the domain of constitutionalism, there is no need as yet to express my views on some collateral matters. It suffices for me that I could rely on a juridical concept that is decisive. It is the fundamental principle that sovereignty resides in the people with all government authority emanating from them.¹ It speaks, to recall Cardozo, with a reverberating clang that drowns all weaker sounds.

1. Respondents would interpose obstacles to avoid a decision on the merits. They are not insurmountable. They allege that the questions raised are political and therefore left for the political sovereign, not the courts.² Such an assertion carries overtones of the *Tañada vs. Cuenco*³ ruling that a matter to be decided by the people in their sovereign capacity is of such a character. It has an aura of plausibility but it cannot stand the rigor of analysis. It confuses the end result with the procedure necessary to bring it about. It is elemental that constitutionalism implies restraints as well on the process by which lawful and valid state objectives may be achieved.⁴ What is challenged here is the actuation of the incumbent President for alleged failure to comply with constitutional requisites. It is much too late in the day to assert that a petition of that character is not appropriate for the courts. This is

¹ According to Article II, Section 1 of the present Constitution: "the Philippines is a republican state. Sovereignty resides in the people and all government authority emanates from them." There is here a reiteration of Article II, Section 1 of the 1935 Constitution.

² Respondents' Comment, 6.

³ *Tañada vs. Cuenco*, 103 Phil. 1051 (1957).

⁴ Cf. *Angara vs. Electoral Commission*, 63 Phil. 139 (1936).

not to venture into uncharted judicial territory. There are landmarks all along the way. This is not then to trespass on forbidden ground. There is no disregard of the political question concept.

Then there is the attack on the standing of petitioners, as vindicating at most what they consider a public right and not protecting their rights as individuals.⁵ This is to conjure the specter of the public right dogma as an inhibition to parties intent on keeping public officials staying on the path of constitutionalism. As was so well put by Jaffe:⁶ "The protection of private rights is an essential constituent of public interest and, conversely, without a well-ordered state there could be no enforcement of private rights. Private and public interests are, both in a substantive and procedural sense, aspects of the totality of the legal order."⁷ Moreover, petitioners have convincingly shown that in their capacity as taxpayers, their standing to sue has been amply demonstrated. There would be a retreat from the liberal approach followed in *Pascual vs. Secretary of Public Works*,⁸ foreshadowed by the very decision of *People vs. Vera*⁹ where the doctrine was first fully discussed, if we act differently now. I do not think we are prepared to take that step. Respondents, however, would hark back to the American Supreme Court doctrine in *Mellon vs. Frothingham*,¹⁰ with their claim that what petitioners possess "is an interest which is shared in common by other people and is comparatively so minute and indeterminate as to afford any basis and assurance that the judicial process can act on it."¹¹ That is to speak in the language of a bygone era, even in the United States. For as chief Justice Warren clearly pointed out in the later case of *Flast vs. Cohen*,¹² the barrier thus set up if not breached has definitely been lowered.¹³ The weakness of these particular defenses is thus quite apparent.¹⁴

2. Now as to the merits. The success of petitioners would signify that the referendum scheduled for February 27 of this year will not take place. Believing as I do that the opportunity of the people to give expression to

⁵ Respondents' Comment 5.

⁶ Standing to Secure Judicial Review, 74 Harvard Law Rev. 1265 (1961).

⁷ Ibid, 1266. Cf. Berger, Standing to Sue in Public Actions, 78 Yale Law Journal 816 (1969).

⁸ 110 Phil. 331 (1960).

⁹ 65 Phil. 56 (1937).

¹⁰ 262 US 447 (1923).

¹¹ Respondents' Comment, 5.

¹² 391 US 83 (1968).

¹³ Ibid, 92-95.

¹⁴ Cf. Tan vs. Macapagal, L-34161, February 29, 1972, 43 SCRA 677.

their views is implicit in the fundamental principle that sovereignty resides in them, I am unable to find sufficient merit in this petition. For all its logical and plausible aspect, it still does not admit of doubt, in my mind at least, that a conclusion different from that reached by this Court would be attended by deplorable consequences. For one thing, it would impress with the stigma of illegality the viable procedure that under the stern realities of the present is the only one in the horizon for ascertaining the desires of the people. Moreover, under a republican regime, even under normal times, their role is limited to the choice of public officials, thereafter to be held to accountability through their informed, even immoderate, criticism. Now with this proposed referendum, they will be sounded out on what they think and how they feel on matters of significance. Even assuming its consultative character, it remains at the very least a step in the right direction. It may not go far enough, but there is progress of sorts that hopefully may eventually lead to the goal of complete civilian rule. It stands to reason, at least from my standpoint, that when people are thus allowed to express their wishes and voice their opinions, the concept of popular sovereignty, more so under crisis conditions, becomes impressed with a meaning beyond that of lyric liturgy or acrimonious debate devoid of illumination. Nor is this to discern new waves of hope that may ultimately dissolve in the sands of actuality. It is merely to manifest fidelity to the fundamental principle of the Constitution. It dates back to the American Declaration of Independence of 1776. The government it sets up derives its just powers from the consent of the governed. The basis of republicanism, to paraphrase Lerner, is that the majority will shall prevail, the premise being that an ordinary citizen, the common man, can be trusted to determine his political destiny.¹⁵ Thereby, as Bryn-Jones pointed out, the controlling power, the governmental authority in the language of the Constitution, is vested in the entire aggregate of the community.¹⁶ It is in that sense, as Justice Laurel stressed in *Moya vs. Del Fierro*,¹⁷ that "enfranchised citizen [is] a particle of popular sovereignty and [is] the ultimate source of established authority."¹⁸ There is reliance likewise to this excerpt from the eloquent opinion of Justice Jackson in *West Virginia State Board of Education vs. Barnette*:¹⁹ "There is no mysticism in the American concept of the State or of the nature or origin of its authority. We set up gov-

¹⁵ Cf. Lerner, *Ideas Are Weapons*, 470 (1939).

¹⁶ Cf. Bryn-Jones, *Toward a Democratic New Order* 23 (1945).

¹⁷ 69 Phil. 199 (1939).

¹⁸ *Ibid.*, 204.

¹⁹ 319 US 624 (1943).

ernment by consent of the governed, and the Bill of Rights denies those in power any legal opportunity to coerce that consent. Authority here is to be controlled by public opinion, not public opinion by authority."²⁰ If that is true of the United States, so should it be in our land. It caters to man's fundamental yearning for some degree of participation in the process of reaching fateful decisions. While courts have to deal with the necessities of their time, the ideal should remain untarnished.

3. It follows therefore that the will of the people given expression, even in an unofficial manner but accurately ascertained, is impressed with a decisive significance. It is more than just a foundation for societal or political development. Whenever appropriate, it determines what is to be done. Its significance is vital, not merely formal. It is understandable then why in Javellana,²¹ one of the issues passed upon by this Court is the effect of acquiescence by the people to the present Constitution even on the assumption that it was not ratified in accordance with the 1935 Charter. It may not be amiss to recall what I did state on that point in my separate opinion: "Nor is the matter before us solely to be determined by the failure to comply with the requirements of Article XV. Independently of the lack of validity of the ratification of the new Constitution, if it be accepted by the people, in whom sovereignty resides according to the Constitution, then this Court cannot refuse to yield assent to such a political decision of the utmost gravity, conclusive in its effect. Such a fundamental principle is meaningless if it does not imply, to follow Laski, that the nation as a whole constitutes the 'single center of ultimate reference,' necessarily the possessor of that 'power that is able to resolve disputes by saying the last word.' If the origins of the democratic polity enshrined in the 1935 Constitution with the declaration that the Philippines is a republican state could be traced back to Athens and to Rome, it is no doubt true, as McIver pointed out, that only with the recognition of the nation as the separate political unit in public law is there the juridical recognition of the people composing it 'as the source of political authority.' From them, as Corwin did stress, emanate 'the highest possible embodiment of human will,' which is supreme and must be obeyed. To avoid any confusion and in the interest of clarity, it should be expressed in the manner ordained by law. Even if such were not the case, however, once it is manifested, it is to be accepted as final and authoritative. The government which is merely an agency to register its

²⁰ Ibid, 641.

²¹ Javellana vs. The Executive Secretary, L-36142, March 31, 1973
50 SCRA 30.

commands has no choice but to submit. Its officials must act accordingly. No agency is exempt from such a duty, not even this Court. In that sense, the lack of regularity in the method employed to register its wishes is not fatal in its consequences. Once the fact of acceptance by the people of a new fundamental law is made evident, the judiciary is left with no choice but to accord it recognition. The obligation to render it obeisance falls on the courts as well.”²²

To such a cardinal jural postulate is traceable my concurring and dissenting opinion in *Tolentino vs. Commission on Elections*:²³ “It was likewise argued by petitioner that the proposed amendment is provisional and therefore is not such as was contemplated in this article. I do not find such contention convincing. The fact that the Constitutional Convention did seek to consult the wishes of the people by the proposed submission of a tentative amendatory provision is an argument for its validity. It might be said of course that until impressed with finality, an amendment is not to be passed upon by the electorate. There is plausibility in such a view. A literal reading of the Constitution would support it. The spirit that informs it though would not, for me, be satisfied. From its silence I deduce the inference that there is no repugnancy to the fundamental law when the Constitutional Convention ascertains the popular will. In that sense, the Constitution, to follow the phraseology of Thomas Reed Powell, is not silently silent but silently vocal. What I deem the more important consideration is that while a public official, as an agent, has to locate his source of authority in either Constitution or statute, the people, as the principal, can only be limited in the exercise of their sovereign powers by the express terms of the Constitution. A concept to the contrary would to my way of thinking be inconsistent with the fundamental principle that it is in the people, and the people alone, that sovereignty resides.”²⁴

As it was then, so, to my way of thinking, should it be now. With such a decisive consideration in mind, it is difficult to conclude that the infirmities imputed to the challenged Presidential decrees are fatal. They do not suffer from the corrosion of substantial constitutional infractions. It is in that sense that I do not feel called upon to inquire into the nature of the authority conferred on the incumbent President under the Transitory Provisions,

²²Ibid, 327-328. The works cited are Laski, *Grammar of Politics*, 4th ed., 34 (1937); McIver, *The Web of Government*, 84 (1974); and Corwin. *The Higher Law Background of American Constitutional Law*, in *I Selected Essays on Constitutional Law* 3 (1968).

²³L-34150, October 16, 1971, 41 SCRA 702.

²⁴Ibid, 740-741.

whether purely executive as contended by petitioners or both executive and legislative as argued by respondents. I leave that question for another day. What cannot be ignored is that with a National Assembly in existence but not convened, it is only the Executive that can perform those essential and indispensable functions of dealing with the actual conduct of public affairs. That is the reality that stares us in the face. To deny his power to issue decrees and to appropriate public funds is thus to assure the paralyzation and impotence of government. Precisely then, if a referendum may lend itself to a reappraisal of the situation, by all means let it be conducted. This is not to deny that the judicial power to call a halt exists. It is merely to stress that it should be exercised with the utmost reluctance as is required by deference to the concept of popular sovereignty. To be more specific about the matter, this Tribunal should refrain from making use of that prerogative now.

Parenthetically, it may be observed that in 1973 when the Javellana decision was promulgated, I could not detect sufficient evidence as to the fact of acquiescence to the present Constitution. That was why I had to dissent from the judgment of the Court dismissing the various petitions assailing the validity of Proclamation No. 1102. Since then, with well-nigh two years having gone by, it is quite evident that the matter is no longer open to doubt. Under the standard set forth in the leading case of *Taylor vs. Commonwealth*,²⁵ decided at the beginning of the century, no other conclusion is allowable. The present Constitution "having been thus acknowledged and accepted by the officers administering the government and by the people * * * and being, as a matter of fact, in force throughout * * *, and there being no government in existence * * * opposing or denying its validity, [it] is the only rightful, valid, and existing Constitution * * * and that to it all the citizens * * * owe their obedience and loyal allegiance."²⁶

4. There is finally, according to petitioners, a deficiency that mars the proposed referendum. It deserves serious consideration. It is their submission that under martial law, with people denied their basic freedoms, particularly their freedoms of expression and assembly, it cannot be validly held. In my concurring and dissenting opinion in *Planas vs. Commission on Elections*²⁷ I express the ap-

²⁵ 44 SE 754 (1903).

²⁶ Ibid. Cf. *Miller vs. Johnson*, 92 Ky. 589, 18 SW 522 (1892); *Bott vs. Wurts*, 40 Atlantic, 740 (1898); *Arie vs. State*, 23 Okl. 166 (1909); *Hammond vs. Clark*, 136 Ga. 313 (1911); *Taylor vs. King*, 130 A. 467 (1925); *Wheeler vs. Board of Trustees*, 37 SE 322 (1946).

²⁷ L-35925, January 22, 1973, 49 SCRA 105.

prehension that voters cannot “freely register their will,” as “dissent may be fraught with unpleasant consequences.”²⁸ Further: “While it is to be admitted that the Administration has done its best to alleviate such a state of mind, I cannot in all honesty say, although I am prepared to concede that I may labor under a sense of undue pessimism, that the momentum of fear necessarily incident to such a regime has been reduced to a minimum.”²⁹ There is, I would say, still that feeling of insecurity as to what the morrow may bring, not from high and responsible officials, of course, but from those much lower in the ranks, whether in the armed forces or in the civilian component. Abuses, in the nature of things, cannot be completely curbed. In that sense, my misgivings are not unjustified. Nonetheless, I gain reassurance from the fact that as I did admit in my concurring and dissenting opinion in *Aquino vs. Enrile*,³⁰ “the Philippine brand of martial law [is] impressed with a mild character.”³¹ There is by and large a high degree of confidence in the capabilities and moderation of those entrusted with its implementation. To cite only an instance, it is a rare and impressive tribute to the Judge Advocate General, Justice Guillermo S. Santos of the Court of Appeals, that in a manifesto of reputable citizens both from the clergy and the laity, with a number of civic and political leaders, the suggestion was made that the conduct of the referendum should be under the auspices of a Committee of three with him as one of the members.³² I am not then in a position to press with the same degree of conviction my original stand. I would not be justified though in making such a concession if the constitutional rights to freedom of expression and the freedom of assembly may not be availed of. They are once again enshrined in our Bill of Rights—and in the very same language. If the Constitution is now fully in force, they must be allowed full operation. I do not deny that they are not absolute in character, but the limitation is supplied by the clear and present danger test. Nor do I deny that under emergency conditions, it is not unreasonable to enlarge the area of state authority, to seek national cohesiveness, and to discourage dissent. What I cannot sufficiently stress though is that dissent, even during such periods of stress, is not disloyalty, much less subversion. Thus the citizens can invoke in the exercise of the free-

²⁸ *Ibid*, 159.

²⁹ *Ibid*.

³⁰ T-25548. September 17, 1974, 59 SCRA 183.

³¹ *Ibid*, 300.

³² Petition, Annex C. The other two members proposed are the President of the Integrated Bar, former Justice J. B. L. Reyes, whose reputation for probity and integrity is legendary, as Chairman, and another retired member of this Court.

doms of expression and assembly not the challenged decrees but their constitutional rights. Moreover, as thus construed as they should be to avoid any taint of invalidity, they may be pulled back from the edge of the constitutional precipice. It would follow, and that to my mind would be to the credit of the Executive, that even in these trying and parlous times, there is adherence to a tolerant, compassionate view of life.

5. That is about all. In writing this brief concurrence, I had nothing in mind but to explain why I had to vote the way I did. It is quite obvious that for me the old landmarks of the law are still there to serve as guides, that precedents do serve as factors for continuity and stability not to be ignored but also not to be slavishly obeyed. For in constitutional law more than in any other branch of juristic science, much depends on the immediacy and the reality of the specific problems to be faced. Hence it has been truly said in days of crisis or of emergency, to stand still is to lose ground. Nonetheless, one has always to reckon with the imponderables and the intangibles, ever so often elusive to our understanding and disheartening to our deeply-cherished convictions. For he has no choice but to comply as best he can with the duty to decide in accordance with legal norms with roots that go far deeper than his personal preferences and predilections. So it has to be.

BARREDO, J.; Concurring

I concur in the judgment dismissing the petition. The following opinion is without prejudice to a more extended one in due time.

Consistently with my opinion in the habeas corpus or martial law cases, the Court has jurisdiction over the instant petition even if, as will be shown later, the matter of calling a referendum is by nature a political matter. Anent the possible contention that the title of President Marcos as President of the Philippines may not be collaterally attacked and that the proper remedy is *quo warranto*, under the authority of *Nacionalista Party vs. Felix Angelo Bautista*, 85 Phil. 101, I concede that the remedy of prohibition is not altogether improper.

The first ground of the petition is that President Marcos does not have any legal authority to call the referendum because he is not holding any public office. The specific arguments supporting this contention are that (1) Marcos is no longer President under the 1935 Constitution; (2) he is not President nor Prime Minister under the 1973 Constitution; (3) he is not the "incumbent President" contemplated in the transitory provisions of the new constitution; and, in any event, his transitory powers as "in-

cumbent President" have already lapsed. The second and third grounds are that President Marcos does not have any power to legislate nor the authority to issue proclamations, decrees and orders having the force of law, hence he cannot issue decrees appropriating funds and, therefore, the decree calling for the referendum is void.

It is my considered conviction that these grounds are untenable.

President Marcos' authority to continue exercising the powers of the President under the 1935 Constitution and to exercise those of President and Prime Minister under the 1973 Constitution is specifically provided for in Sec. 3 (1), Article XVII of the 1973 Constitution. It is to me unquestionable that by virtue of these provisions, President Marcos' being the President of the Philippines, is constitutionally indubitable.

It was precisely because upon the effectivity of the New Constitution President Marcos would cease to be President under the 1935 Charter and would not then be occupying any office under the New Constitution, and, on the other hand, there would yet be no new president and no prime minister, that he, as "incumbent President" at that time had to be expressly granted the authority to exercise the powers of the President under the Old Constitution as well as those of the President and the Prime Minister under the new one, pending the election of these officers. Necessarily, there had to be a head of government until the new parliamentary system could be properly installed, and whether or not it would have been wiser to confer the powers in question on some other official or body is not for the Court to decide. In the meantime, the title of President is the most appropriate to be held by him.

The contention that President Marcos may not be considered the "incumbent President" referred to in the Constitution because what is contemplated therein is the one who would be in office at the time of its ratification and that pursuant to the Javellana decision of the Supreme court, the constitution has not yet been ratified, whereas, on the other hand, the term of President Marcos under the 1935 Constitution expired on December 30, 1973, is predicated wholly on the old theory advanced in the habeas corpus cases and which has already been discarded in the opinions therein, although perhaps, it is best that the Court made a categorical ruling which would clear all doubts on the matter and thereby do away with this issue once and for all. To that end, I would say that as far as the Court is concerned, its holding in Javellana that "there is no more judicial obstacle to the New Constitution being considered as in force and effect" should be understood as meaning that the Charter is as valid and binding for all

purposes as if it had been ratified strictly in accordance with the 1935 Constitution as petitioner's would argue it should have been.

The problem of constitutional construction raised in the petition is, does the Constitution contemplate that the interim assembly created by it would meet immediately and forthwith elect the new President and the Prime Minister? If this question were to be answered in the light of normal conditions, there could be some plausibility in suggesting an affirmative response, albeit not altogether conclusive. But no one can ever escape the fact that the Constitution was formulated and approved under abnormal and exceptional circumstances. The members of the convention were well cognizant of the fact that the country was then as it still is under martial law and that normal processes of government have not been in operation since its proclamation. We must assume that as practical men they knew that the procedure of shifting from the presidential to the parliamentary system would have to be reconciled with the demands of the martial law situation then obtaining. Above all it must have been obvious to the delegates that under martial law, President Marcos had in fact assumed all the powers of government. In other words, it must have been evident to them from what was happening that the immediate convening of the legislative body would not be compatible with the way President Marcos was exercising martial law powers.

It is but proper, therefore, that these transcendental historical facts be taken into account in construing the constitutional provisions pertinent to the issue under discussion. As I see it, given the choice between, on the one hand, delaying the approval of a new charter until after martial law shall have been lifted and, on the other, immediately enacting one which would have to give due allowances to the exercise of martial law powers in the manner being done by President Marcos, the convention opted for the latter. To my mind, it is only from this point of view that one should read and try to understand the peculiar and unusual features of the transitory provisions of the New Constitution.

Otherwise, how can one explain why, instead of giving the interim Assembly itself the power to convene *motu proprio* as was being done in the regular sessions of the old legislature and as in the case of the regular National Assembly provided therein, said power has been granted by the Constitution to the incumbent President? Very significantly in this connection, whereas Section 1 of Article XVII very explicitly uses the word "immediately" in reference to the existence of the interim Assembly, there is no time fixed as to when the incumbent President should initially convene it. Withal, even the authority to call for the

election of the new President and the Prime Minister was not lodged in the assembly but again in the incumbent President. Is it not logical to conclude that the reason behind all these unprecedented provisions is to avoid putting any hindrance or obstacle to the continued exercise by President Marcos of the powers he had assumed under his martial law proclamation and his general orders subsequent thereto? If the Convention were differently minded, it could have easily so worded the said provisions in the most unequivocal manner. And what makes this conclusion definite is precisely the insertion in the transitory provisions of Section 3(2) of Article XVII which makes all the proclamations, decrees, orders and instructions of the incumbent President part of the law of the land, which, in my considered view, is the Convention's own contemporary construction that during martial law, the administrator thereof must of necessity exercise legislative powers particularly those needed to carry out the objectives of the proclamation, with no evident limitation except that no particular legislation not demanded by said objectives shall infringe Section 7 of Article XVII which reserves to the regular National Assembly the power to amend, modify or repeal "all existing laws not inconsistent with this Constitution". Neither paragraph (1) nor paragraph (2) of Section 3 of the same article would have been necessary if the Convention had intended that the interim National Assembly would be immediately convened and the new President and the Prime Minister would be forthwith elected. Indeed, it is implicit in the provisions just mentioned that the delegates had in mind that there would be a considerable time gap between the going into effect of the New Constitution and the election of the new President and the Prime Minister. And they could not have been thinking merely of the possibility of protracted delay in the election of said officers because the Assembly itself, once convened, could have readily provided in the exercise of its inherent powers for what might be required in such a contingency.

In support of the foregoing views, I invoke the testimonies of Delegates Aruego, Tupaz, Ortiz, Pacificador and others which were quoted during the hearing and the deliberations. I will quote them in my extended opinion.

It must be borne in mind that once martial law is proclaimed, all the powers of government are of necessity assumed by the authority that administers the martial law and the operation of the regular government, including its legislature and its judiciary, is subjected to its imperatives. Of course, the Constitution itself is not ousted, but by the power that the Constitution itself vests in the Executive to issue the proclamation, it yields the application and

effects of some of its provisions to the demands of the situation, as the administrator may in his bona fide judgment so determine. Otherwise stated, since laws and regulations would be needed to maintain the government and to provide for the safety and security of the people, the orders of the administrator are given the force of law. In that sense, the administrator legislates. If he can legislate, so also he can appropriate public funds.

To my mind, these postulates underlie the provisions of Sec. 3(2) of Article XVII. To reiterate, the said provision recognizes legislative power in the incumbent President and the scope of said powers is coextensive with what might be needed, primarily according to his judgment, to achieve the ends of his martial law proclamation, and in all other respects, they are limited only by the provisions of Sec. 7 of the same article, but, evidently, even this limitation must be reconciled with the fundamental criterion that the New Constitution was conceived, formulated and enacted with the basic objective of establishing the New Society for which martial law was proclaimed. In other words, since the known broad objective of Proclamation 1081 is not only to contain or suppress the rebellion but also to reform our society and recognize and restructure our government and its institutions as the indispensable means of preventing the resurgence of the causes of the rebellion, it is obvious that any decree promulgated by the President in line with these purposes, including those appropriating the necessary funds therefor, cannot be assailed as beyond the pale of the Constitution.

There is nothing in the letter of the Constitution concerning referendums. But it would be absurd to think that such paucity may be deemed to indicate that the government has no authority to call one. If there is anything readily patent in the Constitution, it is that, it has been ordained to secure to the people the blessings of democracy and that its primordial declared principle is that "sovereignty resides in the people and all government authority emanates from them." Of course, it establishes a representative democracy, but surely, there is and there could be no prohibition in it against any practice or action that would make our government approximate as much as possible a direct one, which is the ideal. On the contrary, it is self-evident that conditions and resources of the country permitting, any move along such a direction should be welcome. In fact, at this time when there are fears about what some consider as an emerging dictatorship, referendums in the manner contemplated in the impugned presidential decrees provide the means for the most vigorous assertion by the people of their sovereignty, what with the participation therein of even the fifteen-year olds and non-

literates and the concrete efforts being exerted to insure the most adequate submission and the utmost freedom of debate and consensus as the emergency situation would permit and to have the fairest recording and tabulation of the votes. Granting the good faith of everyone concerned, and there is absolutely no reason why it should be otherwise, a unique exercise of essential democratic rights may be expected, unorthodox as the experience may be to those who cannot understand or who refuse to understand martial law Philippine style. In principle, to oppose the holding of a referendum under these circumstances could yet be a disservice to the nation.

A plebiscite or election of officials prescribed by the Constitution for specific occasions must be distinguished from a referendum, which is an inherent constitutional democratic institution, perhaps not normally convenient to hold frequently or regularly, but which in certain periods in the life of the nation may be indispensable to its integrity and preservation. The administration of martial law is usually considered as nothing more than submission to the will of its administrator. Certainly, there can be no objection to said administrator's holding a dialogue with the people and adopting ways and means of governing with their full acquiescence manifested in whatever happens to be the most feasible way of doing it. It if be assumed that a referendum under the aegis of martial law may not be an ideal gauge of the genuine will of all the people, no one would deny that if it is undertaken in good faith, and giving allowances to the imperatives of the situation, it can somehow reflect their sentiment on the grave issues posed. Besides, whether or not the people will enjoy sufficient and adequate freedom when they cast their votes in the challenged referendum is a question that is unfair to all concerned to determine *a priori* and beforehand. In any event, it is history alone that can pass judgment on any given referendum.

Upon the other hand, whether a referendum should be called or not and what questions should be asked therein are purely political matters as to which it does not appear to be proper and warranted for the Court to exert its judicial power in the premises. To be sure, the referendum in question could be a waste of the people's money in the eyes of some concerned citizens, while it may be a necessary and fruitful democratic exercise in the view of others, but what is certain is that considering its nature and declared purposes and the public benefits to be derived from it, it is the better part of discretion, granted to it by the Constitution for the court to refrain from interfering with the decision of the President.

The claim that the Comelec may not be considered as the independent and impartial guardian of the results of the scheduled referendum has no basis in fact. From extant circumstances, the recent activities of that body have not been characterized by any perceptible design to influence such results in any direction. Referendum being, as they are, in the Philippines today, in the nature of extra-constitutional innovations, it seems but natural and logical at this stage that the Comelec has been assigned to undertake the functions of formulating the questions, which, after all has been done after a more or less nationwide gathering of opinions, and of subsequently explaining them to the people to best enable them to vote intelligently and freely.

I see no cause to be apprehensive about the fate of those who might wish to vote "no". To start with, the voting will be secret and is guaranteed to be so. And when I consider that even a strongly worded petition to enjoin the referendum has been openly ventilated before the Supreme Court with full mass media coverage giving due emphasis to the points vehemently and vigorously argued by Senator Tañada, who did not appear to be inhibited in the expression of his views, I cannot but be confirmed in the conviction that the apprehensions of petitioners are unfounded.

Under the New Constitution, every citizen is charged with the duty to vote. To vote in a referendum is no less a sacred civic obligation than to vote in an election of officials or in a plebiscite. The impugned decrees cannot therefore be constitutionally faulted just because they provide penalties for those who fail to comply with their duty prescribed in no uncertain terms by the fundamental law of the land.

Makalintal, C. J., Antonio, Esguerra and Fernandez, JJ., concur.

ANTONIO, J., concurring:

The only rational way to ascertain the meaning and intent of paragraphs 1 and 2 of Section 3 of Article XVII (transitory provisions) of the New Constitution is to read its language in connection with the known conditions of affairs out of which the occasion for its adoption had arisen, and then construe it, if there be any doubtful expression, not in a narrow or technical sense, but liberally, giving effect to the whole Constitution, in order that it may accomplish the objects of its establishment. For these provisions can never be isolated from the context of its economic, political and social environment.

The New Constitution was framed and adopted at a time of national emergency. The delegates to the Constitutional Convention realized that the rebellion, lawlessness and near anarchy that brought about the declaration of martial law, were mere symptoms of a serious malady in the social order.

They knew that the revolutionary reforms made by the incumbent President thru his decrees, orders and letters of instruction, such as the emancipation of the tenant-farmer from his bondage to the soil, reorganization of government, eradication of graft and corruption and measures to bridge the gap between the rich and the poor, were indeed imperative, if the exigency that brought about the military necessity was to be overcome, civil order restored, and the foundations of genuine democracy established. The actions of the incumbent President in promulgating those measures legislative in character during martial law was not without legal and historical basis. Democratic political theorists traditionally have assumed the need in time of emergency to disregard for the time being the governmental process prescribed for peacetime and to rely upon a generically different method of government—the exercise by the Chief Executive of extraordinary or authoritarian powers, to preserve the State and the permanent freedom of its citizens.¹

Thus, in my concurring opinion in *Javellana, et al. vs. Executive Secretary, et. al.*,² it was stated that “to preserve the independence of the State, the maintenance of the existing constitutional order and the defense of the political and social liberties of the people, in times of grave emergency, when the legislative branch of the government is unable to function or its functioning would itself threaten the public safety, the Chief Executive may promulgate

¹ John Locke called upon the English doctrine of prerogative to cope with the problem of emergency. He was of the view, that in times of danger to the nation, positive laws set down by the legislative might be inadequate or even a fatal obstacle to the promptness of action necessary to avert catastrophe. “In these situations the Crown retained a prerogative ‘power to act according to discretion for the public good, without the prescription of the law and sometimes even against it.’”

The prerogative “can be nothing but the people’s permitting their rulers to do several things of their own free choice where the law is silent, and sometimes too against the direct letter of the law, for the public good and their acquiescing in it when so done.” The prerogative was therefore exercisable only for the *public good*. Rousseau assumed that, in time of emergency, there is need for temporary suspension of democratic processes of government. Contemporary political theorists observed that in response to the problems posed by an emergency, constitutional democracies have employed constitutional dictatorship. The “President’s power as Commander-in-Chief”, wrote Corwin, “has been transformed from a simple power of military command to a vast reservoir of indeterminate powers in time of emergency”. (Corwin, *The President: Office and Powers*, pp. 312, 318, 1948). Frederick M. Watkins, who made a classic study of the Weimar experience with emergency powers, places his real faith in a scheme of “Constitutional dictatorship” provided “it serves to protect established institutions

measures legislative in character, ***. We considered then that the proclamation of martial rule marked the commencement of a crisis government and crisis government in a constitutional democracy entails the concentration and expansion of governmental power and the release of the government from the paralysis of constitutional restraints in order to deal effectively with the emergency.³ This was the view of the members of the Constitutional Convention when they framed the New Constitution.

In our concurring opinions in *Aquino, et al. vs Enrile, et al.*,⁴ We declared that on the basis of the deliberations of the 166-man Special Committee of the Constitutional Convention, which was authorized to make the final draft of the Constitution, during their session on October 24, 1972, the Convention expressly recognized the authority of the incumbent President during martial law to exercise legislative powers not merely in the enactment of measures to quell the rebellion but, more important, of measures urgently required to extirpate the root causes of the social disorder which gave rise to the exigency.

It was with a view of the continuance of the exercise of these extraordinary powers that the Convention provided in paragraph 1, Section 3, of Article XVII of the Transitory Provisions of the New Constitution that: "He (the incumbent President) shall continue to exercise his powers and prerogatives under the nineteen hundred thirty-five Constitution * * *" and in paragraph 2 thereof also provided that: "All proclamations, orders, decrees, instructions, and acts promulgated, issued, or done by the incumbent President

from the danger of permanent injury in a period of temporary emergency, and is followed by a prompt return to the previous forms of political life." Clinton L. Rossiter on the basis of the historical experience of Great Britain, France, Weimar Germany and the United States, adverts to the scheme of "Constitutional dictatorship" as solution to the vexing problem presented by emergency, Charles H. McIlwain clearly recognized the need to repose adequate power in government during emergency. "And in discussing the meaning of constitutionalism he insisted that the historical and proper test of constitutionalism was the existence of adequate processes for keeping government responsible. He refused to equate constitutionalism with the enfeebling of government by an exaggerated emphasis upon separation of powers and substantive limitations on governmental powers." (Smith & Cotter: Powers of the President During Crisis, 1972 Ed.)

² L-36142, L-36164, L-36165, L-36236, and L-36283, 50 SCRA 30-392. This was concurred in by Justices Barredo, Makasiar and Esquerro.

³ *Ibid.*, 361-392.

⁴ 59 SCRA 183; Separate opinion of Justice Barredo, *Ibid.*, p. 322; Separate opinion of Justice Antonio with the concurrence of Justices Makasiar, Fernandez and Aquino, *Ibid.*, p. 460; Separate opinion of Justice Fernandez, *Ibid.*, p. 522.

shall be part of the law of the land and shall remain valid, legal, binding and effective even after lifting of martial law or ratification of this Constitution, unless modified, revoked, or superseded by subsequent proclamations, orders, decrees, instructions, or other acts of the *incumbent President*, or unless expressly and explicitly modified or repealed by the *regular* National Assembly."

The conferment upon the incumbent President of those extraordinary powers necessarily implies that in view of the emergency, there might be a deferment in the convening of the *interim* National Assembly and, therefore, it was necessary that he be equipped with adequate legal authority and power to carry the body politic through the crisis.

Indeed, the need of the times was for a more expeditious mode of decision-making and policy formulation. The insurgency and the secessionist movement compounded by a world-wide economic inflation and recession generated problems which must be solved with immediacy and with policies that are flexible and responsive to the imperatives of the crisis.

II

The impossibility for the Convention to determine *a priori*, in view of the emergency situation, the time when conditions shall have sufficiently normalized to permit the convening of the *interim* Assembly, precluded them from fixing in the transitory provisions of the Constitution a definite period when the incumbent President shall initially convene that body. It was a matter which was wholly confided by the Constitution to the incumbent President. Since the exercise of this power was committed to the incumbent President in all the vicissitudes and conditions of the emergency, it has necessarily given him ample scope for the exercise of his judgment and discretion. It was a political decision for which he is directly responsible to the people to whom he is accountable and for whose welfare he is obliged to act. As stated in the separate opinion of Justice Castro, concurred in by the Chief Justice, Justices Barredo, Esguerra, Fernandez, and the writer of this opinion, "The peripheral matter whether President Marcos should *now* or *soon* convene the *interim* National Assembly is completely outside the competence of the Supreme Court to resolve as * * * it is a political question addressed principally, basically, and exclusively to the President and the Filipino people."

III

Neither can it be asserted that the exercise by the incumbent President of those extraordinary powers is necessarily inconsistent with and an absolute contradiction

to the existence of a democracy.⁵ When the exercise of such authoritarian powers is expressly conferred upon him by the Constitution, it represents the will of the sovereign people as the source of all political power. So long as the power is used to fulfill its true function in realizing the ethical purposes of the community, which is to ensure the economic and social well-being of its citizens and to secure to them justice, such power is employed for constructive and moral purposes. Its exercise is, therefore, legitimate as it represents the collective will of the people themselves. It is, therefore, logical that the incumbent President consult the people on issues vital to the public interest even through a consultative referendum. Such useful and healthy contact between the government administrator and citizenry is the more necessary in a period of martial law, because the equal participation of the citizenry in the formulation of the will of the State and in its fundamental political decisions ensures the unity of the people in their efforts to surmount the crisis. The success then of the political leadership in leading the nation through the emergency would depend on its ability to convince and persuade, not to dictate and coerce; to enlist, not to command; to arouse and muster the energies, loyalties, and, if need be, the sacrifices of the people. As Leibholz aptly observed, "the one essential presupposition of democracy is that the people as a political unity retains its sovereignty, and that the majority of the active citizen can express their will in political freedom and equality."⁶

IV

It is, however, asserted that the questions asked may not logically be the subject of a referendum. Thus, it is claimed that some of the questions contemplate vital changes in the existing form of local government, which changes, under Sections 2 and 3 of Article XI of the 1973 Constitution, must be submitted to the electorate for ratification in a plebiscite called for that purpose. Admittedly, the

⁵ "The democracy of Rousseau is also intolerant and absolutist, in that it hands over the individual completely to the community, refusing to recognize the citizen's right to freedom; in this respect it sets itself in opposition to the democracy of the French Revolution, which proclaimed and took under its protection the Rights of Man. Even Bonapartism, so far as it is supported by the people and so far as the latter has not resigned its sovereignty, can appear at democracy; and consequently a Caesar can function as incarnation and official representative of his people as a whole.

"In the same way it is possible to have absolutist and authoritarian democracies which may bear a conservative, reactionary, collectivist or anti-constitutional character, according to the circumstances." (Gerhard Leibholz, *Politics and Law*, 1965 Ed., pp. 28-29.)

⁶ *Ibid.*, p. 29.

question of the coming referendum asked the voters in the Greater Manila Area, do not contain a full text of the law proposed for the ratification or rejection by the people. It is, therefore, not a plebiscite contemplated by the aforementioned Sections 2 and 3 of Article XI of the New Constitution but merely a referendum, advisory or consultative in character.

Political democracy is essentially a government of consensus. The citizen has "a right and a duty to judge his own concerns, his acts and their effects, as they bear on the common good. If they entail the common acts of the community, he again has the duty and right to contribute to the common deliberation by which the acts of the community are decided."⁷ Common deliberation or mutual persuasion occurs on all levels of society, and as a result thereof a common judgment or consensus is formed on those matters which affect the democratic polity. This is based on the premise that sovereignty in a political democracy resides in the people and that their government is founded on their consent. It is in the formulation of this consensus whether in an election, plebiscite, direct legislation or advisory referendum or consultation, that the political community manifests its consent or dissent. The national leadership as the elected representative of the national community has the duty to be responsive and responsible to this sovereign will. It has been said that the President "speaks and acts as the people's agent. He lays claim to a mandate from them for his acts. Authority descends upon him from the nation, not from the other organs of government."⁸ In his dual role as Chief Executive and Legislator under martial law, the incumbent President has, therefore, a greater degree of accountability to the political community. To discharge effectively that responsibility, he has to ascertain the people's consensus or common judgment and to act in accordance therewith. Only then can it be said that his actions represent the people's collective judgment and, therefore, entitled to their whole-hearted support. The coming referendum is a national undertaking affecting the future of the country and the people. It, therefore, requires the involvement of every Filipino. By participating in the national consultation or advisory referendum of February 27, 1975, the Filipino people will prove to the rest of the world their maturity and capability as a people to make major decisions.

⁷ Scott Buchanan, *So reason Can Rule, The Constitution Revisited*.

⁸ Joseph Kallenbach, *The Presidency and the Constitution*.

V

It is nevertheless asserted that a referendum held under present existing circumstances is of no far-reaching significance because it is being undertaken in a climate of fear. The infirmity of such *a priori* judgment is evident from the fact that it is not based on reality. It betrays a lack of awareness of the strength and character of our people. It is contradicted by past experience. There has been a deliberate policy to lift gradually the strictures on freedom attendant to a regime of martial law. Thus, State restrictions on press freedom had been removed, except over publications which, because of their subversive or seditious character, are deemed incompatible with the public safety. Freedom of discussion and of assembly are now encouraged. No less than the incumbent President of the Philippines has underscored the need for an accurate and honest canvass of the people's sentiments. As the nation's leader, he is called upon to make bold decisions in the face of the grave problems confronting the nation, but he is convinced that such decisions cannot be effective unless rooted in the will and reflective of the true sentiments of the sovereign people.

Given the determination of the incumbent President to ascertain the true sentiments of the people, and considering the measures instituted by the Commission on Elections to safeguard the purity of the ballot, there appears, therefore, no basis for petitioners' apprehension that the forthcoming referendum will not reflect the people's untrammelled judgment.

The foregoing opinion contains in brief the reasons for my concurrence with the main opinion and the separate opinions of Justices Castro and Barredo.

FERNANDEZ, J.:

The present case calls for an interpretation of the New Constitution, particularly its Transitory Provisions. Privileged as I was to be a member of the Constitutional Convention that drafted the Constitution, I feel it my duty to write this concurring opinion in the hope that I may be able to shed light, even if only modestly, on the fundamental questions involved in this case, on the basis of what I personally know and in the light of the records of the Convention, to show the understanding and intention of the Delegates when they discussed and voted on the constitutional provisions involved in this case.

The pertinent provisions of the New Constitution upon which the parties in this case base their respective claims are:

"ARTICLE XVII
"TRANSITORY PROVISIONS

"SECTION 1. There shall be an *interim* National Assembly which shall exist immediately upon the ratification of this Constitution and shall continue until the Members of the regular National Assembly shall have been elected and shall have assumed office following an election called for the purpose by the *interim* National Assembly. Except as otherwise provided in this Constitution, the *interim* National Assembly shall have the same powers and its Members shall have the same functions responsibilities, rights, privileges and disqualifications as the regular National Assembly and the Members thereof.

"SEC. 2. The Members of the *interim* National Assembly shall be the incumbent President and Vice-President of the Philippines, those who served as President of the nineteen hundred and seventy-one Constitutional Convention, those Members of the Senate and the House of Representatives who shall express in writing to the Commission on Elections within thirty days after the ratification of this Constitution their option to serve therein, and those Delegates to the nineteen hundred and seventy-one Constitutional Convention who have opted to serve therein by voting affirmatively for this Article. They may take their oath of office before any officer authorized to administer oath and qualify thereto, after the ratification of this Constitution.

"SEC. 3. (1) The incumbent President of the Philippines shall initially convene the *interim* National Assembly and shall preside over its sessions until the *interim* Speaker shall have been elected. He shall continue to exercise his powers and prerogatives under the nineteen hundred and thirty-five Constitution and the powers vested in the President and the Prime Minister under this Constitution until he calls upon the *interim* National Assembly to elect the *interim* President and the *interim* Prime Minister, who shall then exercise their respective powers vested by this Constitution.

"(2) All proclamations, orders, decrees, instructions, and acts promulgated, issued, or done by the incumbent President shall be part of the law of the land, and shall remain valid, legal, binding, and effective even after lifting of martial law or the ratification of this Constitution, unless modified, revoked, or superseded by subsequent promulgations, orders, decrees, instructions, or other acts of the incumbent President, or unless expressly and explicitly modified or repealed by the regular National Assembly.

" * * * "

The discussion on these Transitory Provisions in the plenary session¹ of the Constitutional Convention on October 18, 19 and 20, 1972² and the votes thereon clearly show:

1. That the determination of the date the *interim* National Assembly should be convened was left to the judgment of the President, the country being, as it still is, under martial law;

2. That the incumbent President legally holds office as such having been authorized to continue in office and to

¹Session of the entire Convention, not only of any of its Committees.

²At the time when martial law was already in effect, the same having been proclaimed on September 21, 1972.

exercise not only the powers of the President under the 1935 Constitution but also those of the President and Prime Minister under the 1973 Constitution, from the time the New Constitution was ratified on January 17, 1973 until the election of the *interim* President and *interim* Prime Minister which up to now has not yet taken place; and

3. That included in the powers of the President under the 1935 Constitution and the powers of the Prime Minister under the 1973 Constitution is the power to declare martial law which in turn includes the power to make all needful rules and regulations with the force and effect of law until the termination of the martial rule.

The minutes of the plenary session of the Convention of October 18, 1972 contain the sponsorship speech of Delegate Yaneza, Chairman of the Committee on Transitory Provisions. He described the proposed *interim* government as a practical response to our abnormal conditions presently obtaining in the country. He explained that in order to effectively implement reform measures under the New Constitution, the nation should be relieved of the burden of political and national elections during the transitory period. The proposed *interim* National Assembly should therefore be composed of present elective government officials, together with members of the Convention who would vote for its creation and who could be of great help, in view of their familiarity with the provisions of the New Constitution, in the enactment of reform measures to be approved by the *interim* National Assembly pursuant to the mandates of the New Constitution. Delegate Yaneza was interpellated by Delegate Suarez, Tupaz (A), Jamir, Ledesma (F), Alanc, Sanchez, Molina, Siguion Reyna, Pimentel, Laurel, Encarnacion, Pacificador, Ordoñez, Teves, Gonzales, and his co-sponsor, Delegate Abundo.

The following exchange took place between Delegate Pimentel and Delegate Yaneza.

“DELEGATE PIMENTEL (V): Thank you, Mr. Chairman. Now, Section 3 has been repeatedly the basis of certain questions. It says: ‘the incumbent President of the Philippines *shall initially convene*.’ Will it not be better if we state here, ‘*shall immediately convene*? Or we should provide a certain number of days or months perhaps after the ratification of the Constitution when the President shall initially convene the *ad interim* Assembly?

“DELEGATE YANEZA: Yes, Your Honor, we can. We see your point and we have discussed that in the Committee lengthily, *but we arrived at a decision to give our President flexibility regarding this particular matter*, Your Honor. And we feel that we have decided this matter with some wisdom and with consideration of the present situation obtaining in our country.” (Italics supplied)

The minutes of the plenary session of the Convention of October 19, 1972 show, among others, the following:

Delegate Reyes (J) inquired whether the incumbent President of the Republic would be at the same time President and the Prime Minister under the *interim* Government. Delegate Yaneza answered affirmatively, adding that the President would actually have a triple personality since he would exercise powers under the two Constitutions.

Delegate Garcia (L.M.) asked whether the *interim* Assembly could convene *without* the approval of the President, to which Delegate Britanico (a co-sponsor) replied in the negative.

Delegate Barrera (former Supreme Court Justice) was the first to speak against the approval of Sections 1, 2 and 3 of the Transitory Provisions. He was interpellated by Delegates Lim, Laggui and Raquiza. He was followed by Delegate Teves who also spoke against the Transitory Provisions in question. Teves was interpellated by Delegates Purisima, Adil, and Siguion Reyna. Delegate David (J) was the next opposition speaker. He was in turn interpellated by Delegate Tupaz (A.).

On October 20, 1972, Delegate Concordia continued the opposition against the Transitory Provisions, followed by Delegate Garcia (L.M.) who was interpellated by Delegates Bersola, Catan and Leido.

The chair then declared the period of rebuttal open and recognized Delegate Cuaderno as first speaker. Cuaderno said that he favored the article on the *interim* Government mainly because of the benefits of martial law.

Delegate Mutuc was the next rebuttal speaker. He confined his speech to the ratification of all proclamations, orders, decrees, instructions and acts proclaimed, issued or done by the present administration under martial law, contending that only the sovereign people could pass judgment with finality on the same.

Delegate Fernandez followed. And the last rebuttal speaker was Delegate Serrano who maintained that the *interim* National Assembly was a necessity, to fill the vacuum of constitutional processes that could arise should the President continue in office beyond his tenure so that he could see the fruition of his efforts to restore normalcy in the country.

The strongest attack on the Transitory Provisions was delivered by Delegate Jesus Barrera of Rizal, a former Justice of the Supreme Court. This was rebutted by Delegate Estanislao A. Fernandez of Laguna (now a humble member of this Court). Both speeches covered all the principal points.

Modesty aside, we now beg to summarize their arguments, as follows:

Delegate Barrera: It is immoral for us to vote Yes, because that would be practically electing ourselves as members of the *interim* National Assembly when we were elected by the people only for the purpose of writing a Constitution.

Delegate Fernandez: True, when we were elected, our mandate from the people was only to write a new Constitution. But then there was no martial law yet. With martial law, there arose a need for an *interim* Government, specifically, an *interim* National Assembly. No one has previously received any mandate from our people on who should be members of this *interim* National Assembly. No one can say as of now whether it is immoral, and even moral, for us to vote Yes. For my part, I will vote yes because if I vote No, I would foreclose my right to become a member of this *interim* National Assembly. I will vote Yes. Afterwards I will consult with the people of the second district of Laguna on this matter. If they say "Fernandez, you committed an error", then I will not take my oath. However, if they say "Fernandez, you did well so that we can have an additional representative in the *interim* National Assembly," then I will take my oath. By that time, I think nobody can say it was immoral for me to have voted Yes. But what is most important is whether or not the members of the *interim* National Assembly succeed in the discharge of their duties and responsibilities. If they fail, then our people and history will condemn them. If they succeed, our people and history may commend them.

Delegate Barrera: As long as the *interim* National Assembly does not call for the election of the regular members of the National Assembly, the members of this *interim* Assembly will continue in office. For how long, it is not determined. In view of the high salary of the members of the National Assembly (P60,000.00 a year), there will be a temptation for them not to call for the election of the members of the regular National Assembly, for a long, long time.

Delegate Fernandez: I disagree. We must grant that the members of the *interim* National Assembly would be possessed with a sense of decency and patriotism that would make them realize the impropriety of over-staying in office. And the people will always be there to demonstrate thru the media and the streets to compel the *interim* National Assembly to call for a regular election.

Delegate Barrera: But it is wishful thinking on the part of the members of the convention to vote Yes and thereby become members of the *interim* National Assembly because the President may unduly delay the lifting of martial law and the calling of the National Assembly into a session. Then he will be President for life.

Delegate Fernandez: What is the premise of the conclusion of the Delegate from Rizal that the President will unduly delay the lifting of martial law and the calling of the *interim* Assembly into a session? Nothing. For my part, I wish to advance a premise. If it is valid, the conclusion will be valid. I believe President Marcos will want to go down in history as a good President. If this premise is good, and I believe it is, then he will not abuse. He will lift martial law and convene the *interim* National Assembly at the proper time. He will not be President for life.

Delegate Abundo then said that the committee had accepted the following amendment: "(b) the Mariño amend-

ment to Section 2 concerning "those members of both the Senate and House of Representatives to express in writing to the Commission on Elections their option to sit in the assembly within 30 days after the ratification of the Constitution, etc.'" There being no objection, the above amendment was approved.

Delegate Yuzon proposed to fix the date of the election of the members of the regular Assembly to "not later than May, 1976." Delegate Remulla proposed 1977 instead. Delegate Yusen accepted the amendment, but when submitted to a vote, the amendment was lost. Other amendments were proposed and were lost.

Delegate Pacificador moved to suspend the rules so that voting on the draft Transitory Provisions could be considered as voting on second and third reading and proposed that absent delegates be allowed to cast their votes in writing and deliver them to the Committee on Credentials within 72 hours from that day.

The voting followed and the chair announced that by a vote of 274 in favor and 14 againsts the draft Transitory Provisions were approved on second and third reading. And among the delegates that voted *affirmatively* in favor of these Transitory Provisions whose interpretation is now the subject of the present case, were: Delegate Alonto (former Senator from Lanao), Delegate Aruego (the well-known author on the framing of the Constitution), Delegate Baradi (former Ambassador), Delegate Borra (former COMELEC Chairman), Delegate Cuaderno (Member of the first Constitutional Convention and Economist who recently passed away), Delegate De las Alas (former Speaker of the House of Representatives), Delegate Laurel (who was President Protempore of the Convention), Delegate Feliciano Ledesma (Dean of the College of Law of San Beda), Delegate Oscar Ledesma (former Senator), Delegate Leido (former Congressman and Secretary of Finance), Delegate Liwag (former Secretary of Justice and Senator), Delegate Mariño (former Executive Secretary and Secretary of Justice), Delegate Mutuc (former Executive Secretary and Ambassador), Delegate Father Pacifico Ortiz, Delegate Ceferino Padua (lawyer of former Senator Sergio Osmeña, Jr.), Delegate Jose Ma. Paredes (former Justice of the Supreme Court), Delegate Godofredo Ramos (veteran legislator), Delegate Sinco (former UP President and an authority on Constitutional Law), Delegate Serrano (former Secretary of Foreign Affairs), Delegate Sumulong (former Congressman), Delegate Sinsuat (former Member of the Cabinet), Delegate Domingo Veloso (former Speaker Protempore of the House of Representatives), Delegate Concordia (former Congressman), and Delegate Fernandez.

The foregoing, in our humble opinion, clearly show:

a) That when the Delegates to the Constitutional Convention voted on the Transitory Provisions, they were aware of the fact that under the same, the incumbent President was given the discretion as to when he could convene the *interim* National Assembly; it was so stated plainly by the sponsor, Delegate Yaneza; as a matter of fact, the proposal that it be convened "immediately", made by Delegate Pimentel (V), was rejected; and

b) That the incumbent President, or President Marcos to be more specific, was to continue in the office as President with triple powers, upon and *even after* the ratification of the New Constitution (January 17, 1973), and until the election of the *interim* President and *interim* Prime Minister (which has not taken place even up to now), and even after December 30, 1973 when the term of office of the incumbent President would have expired under the 1935 Constitution. Hence, the incumbent President continued and continues to be the constitutional and therefore *de jure* President of our country.

Subsequent events proved the wisdom of the decision of the Convention to give the President a wide discretion when to convene the *interim* National Assembly.

a) For although the peace and order condition of the country has improved, it suffered a relapse. The rebellion had not been completely quelled. Only last January 29, 1975, for instance, the newspapers carried the report that according to President Marcos—"Muslim insurgents had broken a truce in Mindanao and Sulu resulting in a fresh outbreak of hostilities and in heavy casualties." * * * "Muslim secessionists * * * had taken over three towns in Mindanao and Sulu." * * * "An Armed Forces contingent of 42 men, including three officers and the battalion commander, were wiped out in a surprise raid."

b) The oil crises which brought about worldwide inflation, recession and depression, created problems which, according to economic experts, can be solved effectively only with the President exercising legislative powers. A National Assembly would take a longer period of time to be able to pass the necessary legislation to cope with this worsening economic situation.

c) And what is most important is that in addition to the criticisms levelled in the Convention against the membership of the *interim* National Assembly, the people themselves expressed their disfavor against the *interim* As-

sembly by voting against its immediate convening when they ratified the Constitution on January 10-15, 1973. In the July 24, 1973 referendum, the Barangays reiterated their decision of January, 1973 to suspend the convening of the *interim* National Assembly. And in connection with the forthcoming February 27, 1975 referendum, many members of this *interim* National Assembly themselves asked that the question of whether or not the assembly should immediately be convened be eliminated, as in fact it was eliminated, because the people had already decided against the immediate convening of the *interim* Assembly.

Perhaps, it was a blessing in disguise that before this *interim* National Assembly could be convened, it has been "fiscalized" in advance by our people. The people apparently have expressed their distrust of this *interim* Assembly. This has become a standing challenge so that when this *interim* assembly is finally convened, its members may discharge their duties and responsibilities in such a manner as to rebut successfully the basis for the opposition of the people to its being convened in the meantime.

I have adverted to the proceedings of the Constitutional Convention because it supports the literal interpretation of the Constitution which I now wish to make. The wording of the New Constitution is, I believe, clear. Considering the condition in which the country was at the time they approved the draft of the Constitution, it would have been unthinkable for the Constitutional Convention not to have provided for a continuity in the office of the Chief Executive.

It is equally unthinkable that the Constitutional Convention, while giving to the President the discretion when to call the *interim* National Assembly to session, and knowing that it may not be convened soon, would create a vacuum in the exercise of legislative powers. Otherwise, with no one to exercise the lawmaking powers, there would be paralyzation of the entire governmental machinery. Such an interpretation of the Transitory Provisions is so absurd it should be rejected outright.

The original wording of Article XVII, Section 3(2) was that "all proclamations, orders, decrees, instructions and acts promulgated, issued or done by the present administration are hereby ratified and confirmed as valid." The words "ratified and confirmed" had been changed into "shall be part of the law of the land, "because under the first clause, it would imply that the incumbent President did not have the authority to issue the proclamations, orders,

decrees, instructions and acts referred to. The Convention conceded that the President had that power; and that is the reason why the phrase "shall be part of the law of the land" was the one finally used.

Parenthetically, the Constitutional Convention itself recognized expressly the legislative power of the incumbent President to enact an appropriation law when it asked and the same was given by the incumbent President additional funds at the time when there was already martial law.

I wish to add that this legislative power of the President under martial law should not be limited to the legislative power under the old classical concept of martial law rule. For the modern concept of martial law rule includes not only the power to suppress invasion, insurrection or rebellion and imminent danger thereof, but also to prevent their resurgence by the removal of the causes which gave rise to them; in a word, the reform of our society.

In the speech that I delivered as a Delegate from Laguna in the Constitutional Convention in its plenary session of October 20, 1972, I stated my firm conviction that President Marcos would want to go down in history as a good President. This was not only a belief but a challenge to him as well; and I am glad that subsequent events proved the correctness of my stand. In one of his books, he himself said:

"Moreover, we have embarked upon the experiment with the full knowledge that its outcome will depend on most of us, not just a few who are managing a 'command society.' The misgivings are large; the most outstanding is the fear of a powerful few holding the many in subjection. But this fear misses the particularity of Philippine martial law; it cannot and will not exist without the clear and not manipulated consent of the governed. Our people will accept only sacrifices which are justifiable to them.

It is more than a homily to assert that the New Society is not a promised land that patiently awaits our arrival. More than a place in time or space, the New Society is a vision in our minds: this can be realized only through the strength of our resolution.

I am mindful of the fact that historically authoritarian regimes tend to outlive their justification. I do not intend to make a permanent authoritarianism as my legacy to the Filipino people. It is sufficiently clear to them, I believe, that martial law is an interlude to a new society, that it is, in sum, a Cromwellian phase in our quest for a good and just society. Certainly, the enterprise is worth a little sacrifice." (Marcos, *The Democratic Revolution in the Philippines*, 217-218, [1974]).

And in his speech before government elective officials of Bulacan last January 29, 1975 as reported in the news-

paper of last January 30, 1975, he solemnly said that should the coming referendum fail to give him a vote of confidence, he would call the *interim* National Assembly to session and that more than that, he would ask the Assembly to immediately fix the date for elections of the members of the National Assembly; and that in such a case, he would run in his district for a seat in the Assembly.

And so, it is now up for the people to speak in the coming February 27, 1975 referendum. The information campaign should now go in full gear. The Commission on Elections should emphasize the freedom of debate during the campaign; it should emphasize the freedom of the people to express themselves not only in the debates but more so as they cast their ballots, by safeguarding the secrecy of the ballot. And the Commission should redouble its efforts to assure the people that there will be a true, correct and accurate reading of the ballots, counting of the votes, and a report of the results of the referendum.

IN VIEW OF ALL THE FOREGOING, I repeat my concurrence in the decision of this Court and in the separate opinions of Justices Castro and Barredo. The petition should thus be dismissed, without costs.

MUÑOZ, PALMA, J.:

The views I express in this separate opinion will briefly explain my position on the principal issues posed in this Petition for Prohibition.

1. President Ferdinand E. Marcos and no other is the person referred to as "incumbent President" in Article XVII to which we shall refer for short as the Transitory Provisions of the 1973 Constitution. That fact is beyond doubt because at the time the draft of the new Constitution was being prepared and when it was finally signed by the delegates to the 1971 Constitutional Convention on November 30, 1972, it was President Marcos who was holding the position of President of the Philippines.

2. As such incumbent President, President Marcos was vested by Section 3(1) of the Transitory Provisions with constitutional authority to continue as President of the Philippines during the transition period contemplated in said Article XVII that is, until the *interim* President and the *interim* Prime Minister shall have been elected by the *interim* National Assembly who shall then exercise their respective powers vested by the new Constitution, after which the office of the incumbent President ceases. During that transition period, President Marcos was given extraordinary powers consisting of the powers and prerogatives of the President under the 1935 Constitution, and the

powers vested in the President and the Prime Minister under the 1973 Constitution.¹

3. Aside from the vast executive powers granted to the incumbent President as indicated above, he was granted under Section 3(2) of the same Transitory Provisions legislative powers, in the sense, that all proclamations, orders, decrees, instructions, and acts which were promulgated, issued, or done by the incumbent President before the ratification of the Constitution were declared part of the law of the land, to remain valid, legal, binding or effective even after the lifting of martial law or the ratification of the Constitution, unless modified, revoked or superseded by subsequent proclamations, etc., by the incumbent President or unless expressly and explicitly modified or repealed by the regular National Assembly. As to, whether or not, this *unlimited legislative power* of the President continue to exist even *after* the ratification of the Constitution is a matter which I am not ready to concede at the moment, and which at any rate I believe is not essential in resolving this Petition for reasons to be given later. Nonetheless, I hold the view that the President is empowered to issue proclamations, orders, decrees, etc. to carry out and implement the objectives of the proclamation of martial law be it under the 1935 or 1973 Constitution, and for the orderly and efficient functioning of the government, its instrumentalities, and agencies. This grant of legislative power is necessary to fill up a vacuum during the transition period when the *interim* National Assembly is not yet convened and functioning, for otherwise, there will be a disruption of official functions resulting in a collapse of the government and of the existing social order.

4. Because the grant of vast executive and legislative powers to the incumbent President will necessarily result in what the petitioners call a one-man rule as there is a concentration of power in one person, it is my opinion that it could not have been the intent of the framers of the new Constitution to grant to the incumbent President an indefinite period of time within which to initially convene the *interim* National Assembly and to set in motion the formation of the Parliamentary form of government

¹ Article XVII: Sec. 3(1) The incumbent President of the Philippines shall initially convene the *interim* National Assembly and shall preside over its session until the *interim* Speaker shall have been elected. He shall continue to exercise his powers and prerogatives under the nineteen hundred and thirty-five Constitution and the powers vested in the President and the Prime Minister under this Constitution until he calls upon the *interim* National Assembly to elect the *interim* President and the *interim* Prime Minister, who shall then exercise their respective powers vested by this Constitution.

which was one of the purposes of adopting a new Constitution. I believe that the *interim* National Assembly came automatically into existence upon the ratification of the 1973 Constitution. As a matter of fact, from the submission of the Solicitor General, it appears that many if not all of those entitled to become members of the *interim* National Assembly have opted to serve therein and have qualified thereto in accordance with the requirements of Section 2 of the Transitory Provisions.²

We cannot, therefore, reasonably construe the absence of a specific period of time for the President to initially convene the *interim* assembly as placing the matter at his sole pleasure and convenience for to do so would give rise to a situation in which the incumbent President could keep the *interim* National Assembly in suspended animation and prevent it from becoming fully operational as long as he pleases. This would violate the very spirit and intent of the 1973 Constitution more particularly its Transitory Provisions to institute a form of government, during the transition period, based upon the fundamental principle of the "separation of powers", with its checks and balances, by specifically providing that there shall exist immediately upon the ratification of the 1973 Constitution an *interim* National Assembly in which legislative power shall be vested, that there shall be the incumbent President who shall exercise all the powers and prerogatives which are executive in character, and that the judicial power shall continue to be vested in the Judiciary existing at the time of the coming into force and effect of the 1973 Constitution. The situation would also render nugatory the provisions of Section 5 of the Transitory Provisions which assign to the *interim* National Assembly a vital role to perform during the transition period.³

² Ibid, Section 2. The Members of the *interim* National Assembly shall be the incumbent President and Vice-President of the Philippines, those who served as President of the nineteen hundred and seventy-one Constitutional Convention, those Members of the Senate and the House of Representatives who shall express in writing to the Commission on Elections within thirty days after the ratification of this Constitution their option to serve therein, and those delegates to the nineteen hundred and seventy-one Constitutional Convention who have opted to serve therein by voting affirmatively for this Article. They may take their oath of office before any officer authorized to administer oath and qualify there-to, after the ratification of this Constitution.

³ Ibid, Section 5. The *interim* National Assembly shall give priority to measures for the orderly transition from the presidential to the parliamentary system, the reorganization of the Government, the eradication of graft and corruption; the effective maintenance of peace and order, the implementation of declared agrarian reforms, the standardization of compensation of government employees, and such other measures as shall bridge the gap between the rich and the poor.

While it is true that the convening of the *interim* National Assembly cannot be said to be simply at the pleasure and convenience of the President, however, the matter is one addressed to his sound discretion and judgment for which he is answerable alone to his conscience, to the people he governs, to posterity, and to history.

5. Coming now to the particular problem of the coming referendum on February 27, 1975, it is my view that the act of the President in calling such a referendum is not really in the nature of a legislative act which violates the present Constitution. I do not see any prohibition in the Constitution for the Chief Executive or the President to consult the people on national issues which in his judgment are relevant and important. I use the word "*consult*" because in effect the measure taken by the President is nothing more than consultative in character and the mere fact that such measure or device is called a referendum in the Presidential Decrees in question will not affect nor change in any manner its true nature which is simply a means of assessing public reaction to the given issues submitted to the people for their consideration. Calling the people to a consultation is, we may say, derived from or within the totality of the executive power of the President, and because this is so, it necessarily follows that he has the authority to appropriate the necessary amount from public funds which are subject to his executive control and disposition to accomplish the purpose.

6. I am constrained to agree with petitioners that a referendum held under a regime of martial law can be of no far-reaching significance because it is being accomplished under an atmosphere or climate of fear. There can be no valid comparison between a situation under martial rule and one where the privilege of the writ of habeas corpus is suspended, as discussed in the Opinion of Justice Makasiar, because the former entails a wider area of curtailment and infringement of individual rights, such as, human liberty, property rights, rights of free expression and assembly, protection against unreasonable searches and seizures, liberty of abode and of travel, etc.⁴

7. Finally, whatever maybe the totality of the answers given to the proposed referendum questions on local government will be of no real value to the President because under Article XI, Section 2, 1973 Constitution, it is the National Assembly which is empowered to enact a local government code, and any change in the existing form of local government shall not take effect until ratified by

⁴ Aquino, Jr. vs. Enrile, et al., and other cases, L-35546 and others, September 17, 1974 per Opinion Muñoz Palma, J., 59 SCRA, 183, 632.

the majority of the votes cast in a plebiscite called for the purpose, all of which cannot be complied with for the simple reason that for the present there is no National Assembly. Moreover, any vote given on this matter cannot be truly intelligent considering the vagueness of the question as drafted and the short period of time given to the citizenry to study the so-called manager or commission type of local government being submitted to the voters.

8. In conclusion, if I concur in the dismissal of the Petition for prohibition it is for the simple reason that I believe that calling a referendum of this nature is a valid exercise of executive power not prohibited by the Constitution as discussed in number 5 of this Opinion.

TEEHANKEE, J., *Concurring and dissenting*:

I concur with the main opinion insofar as it recognizes President Ferdinand E. Marcos as the "incumbent President" and head of government who is vested with authority under Article XVII, section 3 (1) of the Transitory Provisions of the 1973 Constitution to "continue to exercise his powers and prerogatives under the 1935 Constitution and the powers vested in the President and Prime Minister under this Constitution."

I am constrained, however, to dissent from the remaining portion thereof which dismisses the petition on the basis of serious constitutional grounds as briefly expounded hereinafter.

1. It cannot be gainsaid that the single most important change effected by the 1973 Constitution is the change of our system of government from presidential to parliamentary wherein the legislative power is vested in a National Assembly¹ and the Executive Power is vested in the Prime Minister who shall be elected by a majority of all the members of the National Assembly from among themselves."² The President who is likewise elected by a majority vote of all the members of the National Assembly from among themselves "shall be the symbolic head of state."³

To carry out the "orderly transition from the presidential to the parliamentary system", section 1 of the Transitory Provisions decreed that:

SECTION 1. There shall be an *interim* National Assembly which shall *exist immediately* upon the ratification of this Constitution and shall *continue* until the Members of the *regular* National Assembly shall have been *elected* and shall have *assumed office* following on election called for the purpose by the *interim* National Assembly. Except as otherwise provided in this Constitution, the

¹ Art. VIII, sec. 1, 1973 Constitution.

² Art. IX, secs. 1 and 3, *idem*.

³ Art. VII, secs. 1 and 2, *idem*.

interim National Assembly shall have the same powers and its Members shall have the same functions, responsibilities, rights, privileges, and disqualifications as the regular National Assembly and the Members thereof." (Art. XVII)

Section 2 of the Transitory Provisions provides for the members of the *interim* National Assembly. The Solicitor General stated at the hearing that the *interim* National Assembly *came into existence* after the proclamation on January 17, 1973 of the Constitution per Proclamation No. 1102 when the members thereof took their oath of office and qualified thereto in accordance with the cited section and *continues* in existence at the present time without having been convened.

Petitioners raise the question as to the scheduled referendum called for February 27, 1975 that the calling of a referendum and the appropriation of funds therefor are essentially legislative acts while the transitory powers and prerogatives vested in President Marcos until the election of the *interim* Prime Minister and *interim* President under section 3 (1) of the Transitory Provisions are executive and not legislative powers, since the powers of the President under the 1935 Constitution and those of the Prime Minister under the 1973 Constitution are essentially executive powers; more so, with respect to the powers of the President under the 1973 Constitution which are symbolic and ceremonial.

While the Solicitor General has cited the President's powers under martial law and under section 3 (2) of the Transitory Provisions⁴ as vesting him with legislative powers, there is constitutional basis for the observation that his legislative and appropriation powers under martial law are confined to the law of necessity of preservation of the state which gave rise to its proclamation⁵ (including appropriations for operations of the government and its agencies and instrumentalities).

Rossiter, as extensively cited by Solicitor General, has thus stressed that "the measures adopted in the prosecution of a constitutional dictatorship should never be permanent in character or effect. * * * The actions directed to

⁴"(2) All proclamations, orders, decrees, instructions and acts promulgated, issued, or done by the incumbent President shall be part of the law of the land, and shall remain valid, legal, binding, and effective even after lifting of martial law or the ratification of this Constitution, unless modified, revoked, or superseded by subsequent proclamations, orders, decrees, instructions, or other acts of the incumbent President, or unless expressly and explicitly modified or repealed by the regular National Assembly." (Art. XVII, sec. 3)

⁵"As necessity creates the rule, so it limits its duration."

this and should therefore be provisional. * * * Permanent laws, whether adopted in regular or irregular times are for parliaments to enact." and that "a radical act of permanent character, one working lasting changes in the political and social fabric (which) is indispensable to the successful prosecution of the particular constitutional dictatorship * * * must be resolutely taken and openly acknowledged [as exemplified by U. S. President Lincoln's emancipation proclamation] * * * Nevertheless, it is imperative that any action with such lasting effects should eventually receive the positive approval of the people or of their representatives in the legislature."⁶

Even from the declared Presidential objective of using Martial Law powers to institutionalize reforms and to remove the causes of rebellion, such powers by their very nature and from the plain language of the Constitution are limited to such necessary measures as will safeguard the Republic and suppress the rebellion (or invasion) and measures directly connected with removing the root causes thereof, such as the tenant emancipation proclamation.⁸ The concept of martial law may not be expanded, as the main opinion does, to cover the lesser threats of "worldwide recession, inflation or economic crisis which presently threatens all nations"⁹ in derogation of the Constitution.

On the other hand, those legislative powers granted in the cited section 3 (2), known as the validating provision which validated the President's acts and decrees after the proclamation of martial law up to the ratification of the Constitution are limited to modifying, revoking or superseding such validated acts and decrees done or issued prior to the proclaimed ratification, since section 7 of the Transitory Provisions¹⁰ expressly reserves to the National Assembly the legislative power to amend, modify or repeal "all existing laws not inconsistent with this Constitution."

The question is thus reduced as to whether now after the lapse of two years since the adoption of the 1973 Constitution, the mandate of section 3 (1) of the Transitory Provisions for the convening of the *existing* interim National Assembly should be implemented—not

⁶ Solicitor General's Comment, at pp. 24-26, citing Constitutional Dictatorship, 1948 ed. by Clinton Rossiter, 1948 ed.

⁷ Article IX, sec. 12, 1973 Constitution Martial Law provision.

⁸ P. D. No. 27, Oct. 21, 1972 and amendatory decrees.

⁹ Main opinion, at page 5.

¹⁰ "SEC. 7. *All existing laws not inconsistent with this Constitution shall remain operative until amended, modified, or repealed by the National Assembly.*" (Art. XVII)

for purposes of an action of mandamus which cannot be availed of because of the separation of powers—but for the present action of prohibition against respondents officials which asserts that the questioned referendum comes within the constitutional domain of the interim National Assembly and that after the coming into “immediate existence of the interim National Assembly upon the proclamation of ratification of the Constitution, the “initial convening” thereof with the election of the *interim* Speaker and the election of the *interim* President and the *interim* Prime Minister should have followed as a matter of course. The cited provision reads:

“SEC. 3. (1) The *incumbent President* of the Philippines shall *initially convene* the interim National Assembly and shall preside over its sessions *until the interim Speaker shall have been elected*. He shall *continue to exercise his powers and prerogatives* under the nineteen hundred and thirty-five Constitution and the powers vested in the President and the Prime Minister under this Constitution *until he calls upon the interim National Assembly to elect the interim President and the interim Prime Minister, who shall then exercise their respective powers vested by this Constitution.*” (Art. XVII)

2. The above quoted pertinent provisions indicate an affirmative answer. It is axiomatic that the primary task in constitutional construction is to ascertain and assure the realization of the purpose of the framers and of the people in the adoption of the Constitution and that the courts may not inquire into the wisdom and efficacy of a constitutional or statutory mandate.

Where the language used is plain and unambiguous, there is no room for interpretation. “It is assumed that the words in which constitutional provisions are couched *express the objective* sought to be attained. They are to be given their *ordinary meaning* except where technical terms are employed in which case the significance thus attached to them prevails. As the Constitution is not primarily a lawyer’s document, it being essential for the rule of law to obtain that it should ever be present in the people’s consciousness, its language as much as possible should be understood in the sense they have in *common use*. What it says according to the text of the provision to be construed compels acceptance and *negates the power of the courts to alter it*, based on the postulate that the framers and the people mean what they say.”¹¹

The mandate of section 1 of the Transitory Provisions that the interim National Assembly shall “*exist immediately* upon the ratification of this Constitution” calls for its coming into existence “*right away*” as conceded by respondents at the hearing. Likewise, as affirmed by the

¹¹ J. M. Tuason & Co., Inc. vs. LTC, 31 SCRA 413, 422-423, per Fernando, J., emphasis supplied.

Solicitor General, its members as provided in section 2 duly took their oath of office and qualified thereto, upon the proclamation of ratification. The clear import of section 3 in order to give meaning and effect to the creation and "immediate existence" of the *interim* National Assembly is that the incumbent President shall then proceed to "initially (i. e. 'in the first place: at the beginning')¹² convene" it and preside over its sessions until the election of the *interim* Speaker after which he calls for the election of the *interim* President and the *interim* Prime Minister" who shall then exercise their respective powers vested by this Constitution". (The "incumbent President" then bows out and is succeeded by the Prime Minister who may of course be himself).

This view is further strengthened by the expectations aired in the debates of the 1971 Constitutional Convention that a parliamentary government would be more responsible and responsive to the people's needs and aspirations. Thus, in section 5 of the Transitory Provisions, the *interim* National Assembly was charged with the mandate to "give priority to measures for the *orderly transition* from the *presidential* to the *parliamentary system*, the *reorganization* of the Government, the *eradication* of *graft* and *corruption*, the effective maintenance of *peace and order*, the implementation of *declared agrarian reforms*, the *standardization of compensation* of government employees, and such other measures as shall *bridge the gap* between the rich and the poor"—urgent and long-lasting measures which the President has single-handedly confronted up to now.

3. The manifestation of the Solicitor General that the scheduled referendum is merely *consultative* and thus includes the participation of voters below 18 years of age but at least 15 years old (who are *not* qualified enfranchised voters under Article VI on suffrage of the 1973 Constitution which decrees a minimum age of 18 years for qualified voters) adds weight to the view that the existing *interim* National Assembly be now convened and perform its constitutional functions as the legislative authority. From the very nature of the transitory provisions which created it, its existence must likewise be *interim*, i. e. temporary, provisional, of passing and temporary duration (as opposed to permanent and the regular institutions provided for in the first 15 Articles of the Constitution) until after it shall have reapportioned the As-

¹² Webster's Third Int. Dictionary.

sembly seats¹³ and called for the election of the members of the *regular* National Assembly.¹⁴ The convening of the *interim* National Assembly with its cross-section of knowledgeable representatives from all over the country was obviously hopefully conceived to serve (more than consultative referendums) to apprise the President of the people's and their constituencies' views as well as to assist him as mandated by the Constitution in the enactment of priority measures to achieve fundamental and far-reaching reforms.

4. While it has been advanced that the decision to defer the initial convocation of the interim National Assembly was supported by the results of the referendum in January, 1973 when the people voted against the convening of the interim National Assembly for at least seven years,¹⁵ Such sentiment cannot be given any legal force and effect in the light of the State's admission at the hearing that such referendums are merely consultative and cannot amend the Constitution or any provision or mandate thereof such as the Transitory Provisions which call for the "immediate existence" and "initial convening" of the interim National Assembly to "give priority to measures for the orderly transition from the presidential to the parliamentary system" and the other urgent measures enumerated in section 5 thereof.¹⁶

This seems self-evident for the sovereign people through their mutual compact of a written constitution have themselves thereby set bounds to their own power, as against the sudden impulse of mere and fleeting majorities¹⁷ and hence have provided for strict adherence with the mandatory requirements of the amending process through a fair and proper submission at a plebiscite, with sufficient information and full debate to assure intelligent consent or rejection.¹⁸

¹³ Art. XVII, sec. 6

¹⁴ *Idem*, sec. 1.

¹⁵ Main opinion at page 9. See Proc. No. 1103, dated Jan. 17, 1973 wherein the President proclaimed "that the convening of the interim National Assembly . . . shall be *suspended*" on the basis of the therein stated premise that "fourteen million nine hundred seventy six thousand five hundred sixty-one (14,976,561) members of all the Barangays voted for the adoption of the proposed Constitution, as against seven hundred forty-three thousand eight hundred sixty-nine (743,869) who voted for its rejection; but a majority of those who approved the new Constitution *conditioned* their votes on the demand that the interim National Assembly provided in its Transitory Provisions *should not be convened*."

¹⁶ *Supra*, at page 5.

¹⁷ Cf. *Duncan vs. McCall*, 139 U.S. 449, 35 L. Ed. 219.

¹⁸ Cf. *Tolentino vs. Comelec*, 41 SCRA 702 (Oct. 14, 1971) and cases cited.

5. Finally, the imposition of penal sanctions of imprisonment and fine upon the citizens who fail to register and vote in the scheduled referendum is open to serious constitutional question. It seems clear that the calling of "consultative referendum" is not provided for nor envisaged in the Constitution as the appropriate vehicle therefor is provided through the interim and regular National Assemblies. It should perhaps be reexamined whether the mandate of the Constitution that "it shall be the obligation of every citizen qualified to vote to register and cast his vote" (at elections of members of the National Assembly and elective local officials and at plebiscites, as therein provided for) and the criminal penalties imposed in the questioned decrees should be deemed applicable to such extra-constitutional consultative referendums wherein non-qualified voters (the 15-year olds up to below 18) are asked to participate.

MGA HATOL NG HUKUMAN NG MGA PAGHAHABOL
(DECISIONS OF THE COURT OF APPEALS)

RICARDO G. DE LEON, CHIEF, REPORTER'S DIVISION

[No. 42498-R. January 17, 1973] *

LUIS B. BENAVIDES, plaintiff and appellant, *vs.* LAND AUTHORITY, ET. AL., defendants and appellees.

1. JUDGMENTS; "OBITER DICTUM" AND RULING OF THE COURT, DISTINGUISHED.—A ruling is not an *obiter dictum* when it is a ruling of the court on an issue expressly raised by the parties on facts or evidence adduced in the course of the trial of the case. In such a case, it is not an opinion uttered by the way; it is a direct ruling on an issue squarely raised by a party. It is not unnecessary to the decision of the case; it is a ruling absolutely essential to a determination of a question of fact and of law directly in issue. It is not made without argument or full consideration of the point; it is deliberately entered by the court after arguments on both sides had been heard (*People vs. Macadaeg*, L- 4316, May 28, 1952, 91 Phil. 410).
2. ID.; "RES JUDICATA"; CASE AT BAR.—Where, as in this case, the interests of a party in a real property is derived from the Land Authority as an applicant for a lot, any decision against the land Authority in a case involving the lot wherein the applicant is not a party binds the said applicant under the principle of *res judicata* (*Ochotorena vs. Director of Lands*, L-10795, December 7, 1957).
3. ADMINISTRATIVE LAW AND PRACTICE; EXHAUSTION OF ADMINISTRATIVE REMEDIES; RULE AND EXCEPTIONS.—The general rule that administrative remedies must be exhausted before equitable relief can be had is not a hard and fast rule and admits of exceptions. Amongst these are that (1) the question in dispute is purely a legal one; (2) the controverted act is patently illegal or was prepared without jurisdiction (*Gonzales vs. Hechanova*, L-21897, October 22, 1963, 9 SCRA 320; *Abaya vs. Villegas*, L-25641, Dec. 17, 1966, 18 SCRA 1034; *Mitra vs. Subido*, L-2169, Sept. 15, 1967, 21 SCRA 127; *Casinos vs. ACCFA*, L-19808, Sept. 29, 1966, 18 SCRA 183; *Azur vs. Provincial Board of Canvassers*, L-22333, Feb. 27, 1969, 27 SCRA 31). Another consideration is where, as in this case, the proceedings is against a governor of the Land Tenure Administration, now Land Authority, an alter ego of the President of the Philippines, and allegedly involving a violation of appellant's rights. In such cases the doctrine invoked may be relaxed (*Aragon vs. Peralta, Jr.*, L-21390, Nov. 18, 1967, 21 SCRA 937; *Extensive Enterprises Corp. vs. Sarbro & Co., Inc.*, L-22383 & L-22386, May 16, 1966, 17 SCRA 41).

* Vol. 18 C.A.R. (2s), p.—.

APPEAL from a judgment of the Court of First Instance of Manila. Jesus P. Morfe, *J.*

The facts are stated in the opinion of the Court.

Alice O. Arches and *Gonzalo R. Novales* for plaintiff and appellant.

Petronilo Mariano for defendant and appellee Minlay Santos.

Prudencio de Guzman, Jr. for defendant and appellee Julian Potenciano.

ENRIQUEZ, *Actg. Pres. J.*:

Before us is the appeal taken by Luis B. Benavides from the decision of the Court of First Instance of Manila dismissing his complaint in Civil Case No. 68609, for annulment of the deeds of sale executed by defendant-appellee Land Authority in favor of defendants-spouses Santos and Potenciano.

This case traces its beginning to the time when Pedro C. Benavides, applied and occupied Lots Nos. 2, 3, 4, and 5 of Block No. 1, Psd 26869 of the Tuason Estate in Sta. Mesa, Sampaloc, Manila then under the administration of the Bureau of Lands. By virtue of his application with the Bureau of Lands, he constructed a house and a camarin thereon. Pedro C. Benavides died, survived by nine (9) children, among whom is the plaintiff-appellant herein, Luis B. Benavides. On April 2, 1954, plaintiff-appellant filed with the Bureau of Lands an application for the purchase of Lot No. 5, the lot in dispute. Acting on his application, the Bureau of Lands on June 28, 1955, informed plaintiff-appellant that he was qualified and pursuant thereto, paid the sum of P234.00 by way of deposit. Plaintiff-appellant forthwith took possession of the land and continued pursuing his application with the Bureau of Lands and all other subsequent agencies that succeeded it, the latest being the Land Authority (Annexes "E", "G", "H", "I", "J", and "K" Stipulation). The Land Tenure Administration in 1958 caused the lots of the Tuason Estate to be investigated by Mr. Espanola for the purpose of knowing the status of the applicants. A report rendered by Mr. Espanola on August 26, 1958 (Annex "S-1" Stipulation) and approved in September 11, 1958 by Resolution No. 455 (Annex "S" Stipulation), finding among other things that Luis Benavides is living with his brothers and sisters in the house belonging to their deceased parents (Annex "S-L" Stipulation). On the basis of this report, the Land Tenure Administration filed on November 18, 1958, as amended on January 12, 1959, an ejectment suit against plaintiff-appellant in the Court of First Instance of Manila, docketed as Civil Case No. 38535

(Annex "A" Stipulation) for the purpose of delivering said lot No. 5 to one Severina Pineda, who allegedly was allotted this lot on May 2, 1954 (Annex "R"). While this ejectment proceedings were pending trial, the Land Tenure Administration by virtue of Resolution No. 576 passed on May 7, 1959 (Annex "N" Stipulation), caused the subdivision of this particular lot 5, Block into Lot 5-A, with an area of 159.5 sq. m. (Annex "O" Stipulation) and lot 5-B with an area of 259.5 sq. m. (Annex "O-1"), the survey plan of which was approved on June 10, 1963 (Annex "O-2" Stipulation) and approved by the Land Registration Commission on October 14, 1964. Lot No. 5-B, Block 1 was awarded to Leonarda Martinez on March 30, 1959 (Annex "Y" Stipulation) by executing in her favor an agreement to sell No. 2847 on the same date (Annex "Z", Stipulation) effective as of March 25, 1959. Leonarda Martinez on March 25, 1959 transferred her rights over lot 5-B in favor of defendant Julian Potenciano (Annex "AA") which the Land Tenure Administration approved on January 12, 1959 (Annex "CC" Stipulation and "CC-1"). Lot 5-A, Blk. 1 was on the other hand awarded to Socorro Minlay Santos on July 28, 1959 (Annex "JJ" Stipulation) by executing an agreement to sell No. 3805 on the same date of July 28, 1959 (Annex "KK"). Thereafter, on December 14, 1961, plaintiff-appellant's application was denied under Resolution No. II-253 on the ground that the house on which the applicant bases his right belongs to his deceased father who has already a lot allocation (Annex "L"). Plaintiff-appellant was notified of defendant's Land Tenure Administration's action on January 2, 1962 (Annex "M").

Then on August 3, 1963, the Court of First Instance of Manila, rendered a decision in Civil Case No. 38535 holding that "Luis B. Benavides has a right to be preferred in applying for and buying the lot in question and thereby dismissing the complaint for ejectment (Annex "C" Stipulation).

Four years after the decision above mentioned was rendered, to be more specific on January 25, 1967, the Land Tenure Administration executed a deed of sale in favor of defendant-appellee Potenciano (Annex "EE") upon presentation of which the Register of Deeds of Manila issued Transfer Certificate No. 86711 over Lot 5-B on January 25, 1967 (Annex "EE-1") in the name of Potenciano. Likewise, a deed of sale in favor of defendant Socorro Minlay Santos executed on July 26, 1959 was registered with the Register of Deeds of Manila and TCT No. 86378 was issued on December 16, 1966 in the name of said Socorro Minlay Santos (Annex "OO").

Feeling that the rudiments of justice and fair play were never observed by the Land Tenure Administration in cancelling his application and selling the lot in dispute to defendants-appellants notwithstanding the decision of the court in Civil Case No. 38535, plaintiff-appellant filed the present action for annulment of the deeds of sale executed by the Land Tenure Administration in favor of defendants-spouses Santos and Potenciano; to cancel the titles issued in their respective names as a consequence thereof and to compel the execution and delivery of the deed of sale in his favor over the said lot with a prayer for recovery of attorney's fees and damages, averring that he had priority to purchase and acquire Lot No. 5 by reason of the final judgment of the Court of First Instance of Manila in Civil Case No. 38535 rendered on August 3, 1963.

In due time, defendants-appellees filed their respective answers to the complaint. In his answer, Julian Potenciano claims that he is the registered owner thereof, having purchased it from the Land Tenure Administration for value and in good faith.

Defendants-spouses appellees, on their part claim that plaintiff-appellee is guilty of laches as he failed to oppose the sale issued in her favor by defendant Land Tenure Administration on December 15, 1966.

On the other hand, defendant-appellee Land Tenure Administration, in support of the validity of the sale, alleges that plaintiff is not qualified to acquire the lot in question because his brothers and sisters have already been allotted a lot; that he was never in actual occupation of the land and that plaintiff-appellant failed to appeal from the Land Tenure Administration's denial of his application and subsequent award of the lots to his co-defendants spouses Santos and Potenciano. All three defendants put up a counterclaim for damages (moral and exemplary and attorney's fees).

On the basis of a partial stipulation of facts together with annexes submitted by the parties, the lower court rendered judgment on July 31, 1968 dismissing plaintiff-appellant's complaint and defendants' counterclaim with costs against the plaintiff-appellant.

Hence this present appeal as a recourse.

In his appeal, appellant attributes as having been committed by the trial court the following:

ASSIGNMENT OF ERRORS

I. The trial court erred in finding that the herein defendants-appellees Socorro Minlay Santos and Julian Potenciano were not successors-in-interest of defendant-appellee Land Authority to civil Case No. 38535 of Branch XII of the trial court and that said decision therefore, does not bind them under the principle of *res judicata*.

II. The trial court erred in declaring that only a portion of said lot 5, block No. 1 of the Tuason Estate was involved in said Civil Case No. 38535.

III. The trial court erred in dismissing plaintiff-appellant's action.

Brushing aside the questions which are purely incidental, the resulting issues genuinely tendered for resolution in this appeal by the foregoing assignment of errors are: (1) whether or not defendants-appellees are bound by the judgment of the Court of First Instance of Manila in Civil Case No. 38535, giving the plaintiff-appellant preferential rights over the lot in dispute; and (2) whether or not the deeds of sale executed by defendant-appellee Land Tenure Administration (now Land Authority) in favor of defendants-appellees Santos and Potenciano were null and void.

Plaintiff-appellant submits that the final decision in Civil Case No. 38535 bind the defendant-appellees under the principle of *res judicata*. Defendants-appellees on the other hand maintain the negative upon the ground that they were not parties in Civil Case No. 38535 relied upon by the plaintiff-appellant and, hence it did not bind them likewise under the principles of *res judicata*.

Upon this score, the decision in Civil Case No. 38535 (Annex "C" Stipulation) assumes immediate relevance; its clear language unmistakably show that the plaintiff-appellant "Benavides has a right to be preferred in applying for and buying the lot in question." It should be noted that the emphatic language employed by the trial court was intentionally framed to make defendant-appellee Land Authority comply with it. In Civil Case No. 38535, filed by the defendant-appellee Land Authority for ejectment against plaintiff-appellant, the right of the latter over the disputed lot was put in issue and the court, on the bases of merits of the case, after it had appreciated the documents presented and carefully weighed the credibility of the witnesses of both parties, found plaintiff-appellant to have the preferential rights to apply and buy the lot, subject of the ejectment proceedings. Defendants have not appealed from this judgment. Hence it cannot now be disputed. The court has made a pronouncement that plaintiff-appellant Benavides has a "right to be preferred in applying for and buying the lot in question" and unless it is overruled, it carries weight and must be respected. The decision has the effect of law upon the defendants-appellees and as such they cannot now be heard to oppose or dispute the effectivity and validity of said decision which is now binding upon them by virtue of the principle of estoppel by judgment (*Padilla vs. Paterno*, L-4130, Sept. 30, 1953, 93 Phil. 884; *Chua Guan vs. Samahang Magsasaka, Inc.* L-7914 August 31, 1955).

The holding of the trial court that plaintiff-appellant be given preferential rights is merely an *obiter dictum* is without any legal foundation and must be overruled. A cursory reading of the decision in Civil Case No. 38535, discloses that the ruling is not an *obiter dictum*, but is a ruling of the court on an issue expressly raised by the parties on facts of evidence adduced in the course of the trial of the case. It is not an opinion uttered by the way: it is a direct ruling on an issue squarely raised by a party. It was not unnecessary to the decision of the case; the ruling was absolutely essential to a determination of a question of fact and of law directly in issue. It was not made without argument or full consideration of the point; it was deliberately entered by the court after arguments on both sides had been heard (*People vs. Macadaeg*, L-4316, May 28, 1952, 91 Phil. 410).

Upon the other hand, while it is true as claimed by defendants-appellees that they were not parties in said civil case, the final judgment therein is binding upon them because as applicants for the lots, their interests in said property is derived from the Land Authority and any decision against the latter shall bind them under the principle of *res judicata*. In parallel circumstances, the Supreme Court applied the foregoing legal precept in the case of *Ochotorena vs. Director of Lands*, L-10795, December 7, 1957, and held that:

"... As applicants for free patents, appellants' interest on said property is derived from the Government. Inasmuch, however, as the alleged title of the latter was rejected in said decision, which is final and executory, it follows necessarily that appellant's claim is, under the principle of *res judicata*, barred by said decision, regardless of the fraudulent representations said to have been made to them by the herein appellees." (102 Phil. 570, 574.)

Moreover, the records show that defendants-appellees Santos and Potenciano purchased the lot from the defendant-appellee Land Tenure Administration (now Land Authority) in 1959 (Annexes "CC", "CC-1" and "EE") and at that time the case for ejectment was still pending before the court. The sale in their favor was confirmed in 1966 and 1967, respectively (Annexes "EE" and "OO"), after a judgment adverse to the Land Authority had been rendered. Having purchased the lots in question pending the ejectment proceeding in Civil Case No. 38535 defendants-appellees Minlay and Potenciano are consequently transferees *pendente lite*. They stand exactly in the shoes of the transferor Land Authority and are consequently bound by the judgment against it (*Correa vs. Pascual, et al.*, 52 O.G. 4685; *Director of Lands et al. vs. Martin, et al.*, 47 O.G. 120; *Tuason vs. Reyes, et al.*, 48 Phil. 844; *Rivera vs. Moran*, 48 Phil. 835; *Rivera vs. Tirona*, L-12328, Sept. 30, 1960, 109 Phil. 505, 510).

Now then it is clear that the decision of the Court of First Instance in Civil Case No. 38535, giving plaintiff-appellant preferential rights over the lot disputed binds all the defendants-appellees.

Plaintiff-appellant next points out that the sales made by defendant-appellee Land Authority to defendants-appellees Santos and Potenciano during the pendency of this case and confirmed after the judgment are null and void. Jurisprudence on this matter sustains appellant's view. A "sale after the judgment exists against the vendor or adverse judgment rendered is presumed to be in fraud of creditors" *Celo vs. Pulmones*, CA-G.R. No. 17291-R, June 30, 1958; *Segunda vs. Sason*, CA-G.R. No. 16887-R, July 15, 1958). The sales in favor of defendants-appellees Santos and Potenciano being fraudulent, the same must be considered null and void *ab initio* and may be treated as non-existent for all legal purposes (*Ocejo and Perez & Co. vs. Flores*, 40 Phil. 921; *De Belen vs. Collector*, 46 Phil. 241; *Gallion vs. Gayanes*, 53 Phil. 43; *Escutin vs. Escutin*, 60 Phil. 922; *Gonzales vs. Trinidad*, O.G., March 22, 1941, p. 932; *Alvaran vs. Yamson*, CA-G.R. N. 8418-R, June 11, 1953).

Defendant-appellee Potenciano argues that he is a purchaser for value and in good faith. Appellee, however, cannot be considered as purchaser in good faith. The fact that appellee in this case paid for it and the consideration is valid and legitimate may even be conceded. But it is not sufficient that the transaction is founded on good consideration and that it was made with *bona fide* intent; it must have both elements. As already stated, they are purchasers *pendente lite* and the sale in their favor was confirmed only after the dismissal of the case. Certainly one who buys a property in litigation is presumed to be aware of the existence thereof and his right depend entirely upon whether the vendor comes out the winner or the loser, Land Tenure Administration unfortunately lost the case and consequently his vendees—the appellees Santos and Potenciano could not have acquired any right. Buyers of land under litigation are not buyers in good faith (*Balanglayos vs. Bejeriano*, CA-G.R. No. 23437-R, April 27, 1960, 56 O.G. 6469).

We now come to the question as to the land involved in the ejectment proceedings (Civil Case No. 38535), Appellant stresses that contrary to the court's findings, not only a portion of Lot 5, Block 1 of the Tuason Estate is involved in said case but the entire lot consisting of a total area of 419.00 sq. m. From the stipulation and annexes on record, the court noted that the plaintiff-appellant reapplied with the Land Tenure Administration for this specific and/or particular lot 5, block 1 October 27, 1958

(Annex "E" Stipulation) to strengthen his previous application with the Bureau of Lands of April 2, 1954; that appellant occupied this whole portion for which reason Severina Pineda, who applied for the same Lot 5, waived it in favor of appellant on November 19, 1958 (Annex "B" Stipulation); that in view of Pineda's waiver, appellant filed another formal application over the subject lot on December 10, 1958 (Annex "J", p. 5, No. 7, Stipulation); that defendant-appellee Land Tenure Administration was ejecting plaintiff-appellant from this very lot as appearing in the allegations of his complaint (Annex "A" Stipulation) under the pretense of delivering the same to Severina Pineda. Inasmuch as Severina Pineda is the applicant for Lot No. 5 of Block 1, (Annex "R" Stipulation) which is the subject of the ejectment case, it is undoubtedly over the same portion that the court gave plaintiff-appellant a preferential right to apply and purchase (Annex "C" Stipulation). Considering that plaintiff-appellant is a bona fide occupant and the area of Lot 5 being 419.00 sq.m. only, does not exceed the permissible maximum area of 600 sq.m. that may be allotted to an applicant in accordance with Land Tenure Administration Order No. 5, dated February 7, 1957—apart from the fact that besides the total area of 259 sq. m. sold to defendants-appellees Santos and Potenciano which this court has considered null and void, the rest of the said Lot 5 has not been sold and/or allocated to other applicants—this court finds no valid reason why the entire lot cannot be adjudicated to plaintiff.

Appellant takes exception to the application of the doctrine of exhaustion of administrative remedies to the case at bar and maintains that it does not apply, as defendants-appellees claim, because the acts of the Land Tenure Administration were null and void from the beginning and besides the lands involved are not of the public domain.

It is true that as a general rule administrative remedies must be exhausted before equitable relief can be had. Equally entrenched in jurisprudence is that the doctrine of exhaustion of administrative remedies is not a hard and fast rule and it admits of exception. Amongst these are that (1) the question in dispute is purely legal one; (2) the controverted act is patently illegal or was prepared without jurisdiction (*Gonzales vs. Hechanova*, L-21897, October 22, 1963, 9 SCRA 230; *Abaya vs. Villegas*, L-25641, Dec. 17, 1966, 18 SCRA 1034; *Mitra vs. Subido*, L-2169, Sept. 15, 1967, 21 SCRA 127; *Casino vs. ACCFA*, L-19808, Sept. 29, 1966, 18 SCRA 183; *Azur vs. Provincial Board of Canvassers*, L-22333, Feb. 27, 1969, 27 SCRA 31). The question here involved is purely

one of law, the sale of the lots to the defendants-appellees was patently illegal; the sudden revocation and/or denial of plaintiff's application during the pendency of the case on grounds not justified, arbitrary, certainly justify judicial intervention. Another consideration equally decisive in rejecting the applicability of the doctrine is that the proceedings is against a governor of the Land Tenure Administration, now Land Authority, an alter ego of the President of the Philippines and allegedly involving a violation of appellant's rights. In such cases the doctrine invoked may be relaxed (*Aragon vs. Peralta, Jr.*, L-21390, Nov. 18, 1967, 21 SCRA 937; *Extensive Enterprises Corp. vs. Sarbro & Co., Inc.*, L-22383 & L-22386, May 16, 1966, 17 SCRA 41).

WHEREFORE, in view of the foregoing considerations, the judgment appealed from is hereby REVERSED and a new one entered—

(a) Declaring null and void the deeds of sale Nos. 3020 and 4968, Annexes "00" and "EE," executed by defendant Land Authority in favor of defendants-appellees Socorro Minlay Santos and Julian Potenciano respectively;

(b) Ordering the Register of Deeds of Manila to cancel Transfer Certificates of Title Nos. 86378 (Annex "PP") and 86711 (Annex "EE-1") issued in the names of Socorro Minlay Santos and Julian Potenciano.

(c) Ordering the defendant-appellee Land Authority and/or its duly authorized representative, upon tender of payment to them of the value of the lot, to execute and deliver to plaintiff-appellant the Deed of Sale over Lot 5, Block 1 of Psd-26869 of the Tuason Estate and the Register of Deeds to issue the corresponding Transfer Certificate of Title;

(d) Ordering defendants-appellees to pay plaintiff-appellant jointly and severally the sum of ₱1,000.00 attorney's fees;

Defendants-appellees' counterclaim are hereby dismissed for lack of merit.

On the cross-claim of defendant-appellee Julian Potenciano, the Land Authority, is hereby ordered to reimburse the former whatever amount he has paid in consideration of the sale of Lot 5 (part) Block 1;

Costs against defendants-appellees.

So ORDERED.

Serrano, Barcelona and Fernandez, JJ., concur.

DISSENTING OPINION

REYES, J.O., *J.*:

I vote to affirm the decision of the trial court dismissing plaintiff's complaint for the annulment of the deeds of sale executed by the Land Authority in favor of Julian Potenciano and Socorro Minlay Santos principally on the ground of non-exhaustion of administrative remedies.

It appears that as early as September 11, 1958, the defunct Land Tenure Administration passed Resolution No. 455 approving the report submitted by Mr. Leonardo E. Española, Acting Chairman, Screening Committee, Tuason Estate, recommending disapproval of the application of some 16 applicants to the Tuason Estate, one of whom is plaintiff Luis Benavides, for the reason that said applicants are not tenants in their own right but are merely dependents of their parents or members of the same family (Annexes "S and S-1, Stipulation", Record on Appeal, pp. 150-163). Consequently, the Land Tenure Administration, on November 18, 1958, filed a complaint for recovery of possession, which was subsequently amended on January 12, 1959, against Luis Benavides and his brother Adolfo Benavides for the latter to remove the hut and fence constructed by them on Lot No. 5, Block 1, Psd-26869 of the Tuason Estate and deliver the said lot to the Land Tenure Administration. The purpose of said suit, docketed as Civil Case No. 38535, was to clear said lot for delivery to the awardee thereof, Severina Pineda (Annex "A-Stipulation", Record on Appeal, pp. 75-80).

On November 19, 1958, however, Severina Pineda waived the allocation of Lot 5, Block 1 in favor of Luis Benavides (Annex "F-Stipulation", Record on Appeal, pp. 99-101). Luis Benavides thereafter pursued his application for said lot even during the pendency of Civil Case No. 38535.

On December 14, 1961, the Land Tenure Administration passed Resolution 253 denying the application of Luis Benavides to purchase a portion of Lot 5, Block 1, Psd-26869 of the Tuason Estate, "it appearing that the house on which the applicant based his right for lot allocation belongs to his deceased parents, and besides, the said house has already a lot allocation" (Annex "L-Stipulation", Record on Appeal, pp. 130-131). Luis Benavides was informed of said resolution by Chairman Administrator Manuel E. Castañeda in a letter dated January 9, 1962 (Annex "M-Stipulation, Record on Appeal, pp. 131-132).

On August 3, 1963, the Court of First Instance of Manila rendered judgment in Civil Case No. 38535 dismissing the complaint filed by the Land Tenure Administration against Luis and Adolfo Benavides for the recovery of possession

of Lot 5, Block 1, Psd-26869 of the Tuason Estate and declared that Luis Benavides has a right to be preferred in applying for and buying the lot in question (Annex "C-Stipulation, Record on Appeal, pp. 86-89).

However, in a resolution dated May 7, 1959, the Land Tenure Administration authorized the subdivision of Lot 5, Block 1 of the Tuason Estate into three lots Resolution No. 576, Annex "N-Stipulation", Record on Appeal, pp. 132-133). On December 15, 1966, the Land Authority, which took over the functions of the defunct Land Tenure Administration, executed a deed of sale over Lot 5-A, Block 1, (LRC) Psd-35504 (a portion of Lot 5, Block 1) consisting of 159.5 square meters in favor of Socorro Minlay Santos, who was consequently issued Transfer Certificate of Title No. 86378 on the same date (Annexes "OO-Stipulation" and "PP-Stipulation", Record on Appeal, pp. 276-282). On January 25, 1967, the Land Authority again executed a deed of sale over Lot 5-B-1, (LRC) Psd-62673 with an area of 100 square meters, a portion of Lot 5, Block 1), in favor of Julian Potenciano who was likewise issued Transfer Certificate of Title No. 86711 on January 27, 1967 (Annexes "EE-Stipulation" and "EE-1 Stipulation", Record on Appeal, pp. 213, 220).

On February 25, 1967, Luis Benavides filed a complaint for the annulment of the deeds of sale executed by the Land Authority in favor of both Socorro Minlay Santos and Julian Potenciano on the ground that he enjoys the top priority to purchase and acquire the whole of Lot 5, Block 1, Psd-26869 of the Tuason Estate as thus declared in Civil Case No. 38535.

On July 31, 1968, the court *a quo* rendered judgment, which is the subject of the present appeal, dismissing the complaint filed by Luis Benavides on the following grounds:

(1) that Socorro Minlay Santos and Julian Potenciano were not parties in said Civil Case No. 38535 and, therefore, the decision in said case does not bind them under the principle of *res judicata*;

(2) that only a portion of Lot 5, Block 1 of the Tuason Estate, that is, the portion thereof allocated to Severina Pineda, consisting of 136.0 square meters, more or less, and known as Lot 5-B-2, allocated to her by the Land Tenure Administration on May 2, 1957, was involved in said case and that, therefore, the findings and conclusion not relating to said portion of Lot 5 are *obiter*; and

(3) the decisions of the Land Tenure Administration and the Land Authority were already final when the complaint for annulment was filed by the plaintiff, having failed to timely appeal said decisions to the Office of the President before going to Court.

Although there seems to be merit to the first two assigned errors allegedly committed by the lower court, I believe, however, that the court correctly ruled that the decisions of the Land Tenure Administration and Land Authority were already final when the present complaint for annulment was filed by the plaintiff, having failed to timely appeal said decisions to the Office of the President; and on this ground alone, the dismissal of the present action is justified. On this score, let me quote the pertinent provisions of Administrative Order No. 1 of the Land Tenure Administration as appearing in the case of *Cuneta vs. Castañeda*, 10 SCRA 225:

"The decision or order of the Chairman of the Land Tenure Administration concerning any adverse claim or conflict between two or more applications shall become final after thirty (30) days from the date a copy thereof is received by the interested party unless appeal therefrom in the manner prescribed in section 2 hereof, is taken to the Office of the President." (Section 8)

"An appeal shall lie from a decision or order of the Chairman of the Land Tenure Administration to the Office of the President within a period of thirty (30) days to be counted from the date the interested party received notice thereof unless a motion for reconsideration is filed within the same period, in which case, the running of the period for appeal shall be interrupted. * * *" (Section 2).

Thus, in the said case of *Cuneta vs. Castañeda*, *supra*, it was held that the Land Tenure Administration, being an entity authorized by law to approve and promulgate rules and regulations that may be necessary to accomplish its objectives and decide cases involving conflict claims to the apportionment of lots under its administration, as such its decisions have the force and effect of law. In the same manner, its rules and regulations adopted pursuant to law have the same effect and are binding upon the claimants.

In the case at bar, as early as September 11, 1958, the defunct Land Tenure Administration passed Resolution No. 455 disapproving the application of Luis Benavides, among others, to purchase lots of the Tuason Estate. Nevertheless, Luis Benavides pursued anew his application for Lot 5, Block 1 of the Tuason Estate by virtue of the waiver executed in his favor by Severina Pineda over the lot in question. However, on December 14, 1961, the Land Tenure Administration again denied the application of Luis Benavides to purchase a portion of Lot 5, Block 1, by virtue of Resolution No. 253, copy of which was sent to Luis Benavides on January 9, 1962. Inasmuch as Luis Benavides did not appeal the decision of the Land Tenure Administration denying his application to purchase a lot in the Tuason Estate, said decision, therefore, became final thirty days after he received copy of said decision.

Consequently, the judgment in Civil Case No. 38535, which was rendered more than one year after the finality of the decision of the Land Tenure Administration denying plaintiff's application to purchase a lot in the Tuason Estate, which decision has the force and effect of law, is null and void.

On the other hand, plaintiff contends that the principle of exhaustion of administration remedies applies only to action of government officials over public lands and not private lands, which is the character of the lots of the Tuason Estate, having been acquired by the government for re-sale to *bona fide* tenants. This same argument was raised in the cited case of *Cuneta vs. Castañeda, supra.*, and refuting the same, the Supreme Court declared:

"* * * It appears, however, that the issue herein raised is not merely one of lack of exhaustion of administrative remedies, but one of prescription, for the failure of petitioner to appeal on time to the Office of the President as required by the administrative order already adverted to. *This failure is fatal to petitioner because it bars him from filing the present action under the principle of res judicata.*" (Italic ours)

Moreover, in the case of *Cruz vs. del Rosario*, 9 SCRA 755, 758, the Supreme Court reiterated the rule that—

"When an adequate remedy may be had within the Executive Department of the government, but nevertheless, a litigant fails or refuses to avail himself of the same, the judiciary shall decline to interfere. This traditional attitude of the courts is based not only on convenience but likewise on respect; convenience of the party litigants and respect for a co-equal office in the government. If a remedy is available within the administrative machinery, this should be resorted to before resort can be made to the courts, not to decide the matter by itself correctly, but also to prevent unnecessary and premature resort to courts."

Consistent with the above ruling, the Court of First Instance of Manila in Civil Case No. 38535 should have not interfered with the exercise of discretion of the Land Tenure Administration, considering that said entity had already twice ruled against the application of the plaintiff to acquire the lot in question. Courts should not substitute their judgment for judgments of a co-equal office in the government. The course which plaintiff should have pursued was an appeal to the Office of the President, justifies the dismissal of plaintiff's complaint.

IN VIEW OF THE FOREGOING CONSIDERATIONS I vote to affirm the herein decision of the lower court dismissing plaintiff's complaint.

Judgment reversed.

but which he failed to do. This conclusion sufficiently

RESOLUTION

*February 17, 1973**ENRIQUEZ, Actg. Pres. J.:*

Defendant-Appellee Julian Potenciano, has filed this Motion for Reconsideration of the decision of this Court promulgated on January 17, 1973, reversing that of the lower court, on the ground that it is contrary to law and the evidence presented in the case.

It is the contention of the defendant-appellee that said decision made a finding that "said decision in said case No. 38535 (Annex "C" Stipulation) in clear language, unmistakably showed that plaintiff-appellant Benavides has a right to be preferred in applying for and buying the lot in question." This is not true. We wish to stress here the fact that our decision of January 17, 1973 did not make such findings. The Court merely quoted the conclusion arrived at by the lower court to clarify and settle the question of whether or not Land Tenure Administration is bound by such finding and which it must comply.

With respect to the alleged ground of non-exhaustion of administrative remedies, this question has been adequately discussed in our decision. Defendant-appellee, however, in his motion invokes and reiterates the arguments advanced in the dissenting opinion of Justice Juan O. Reyes, that the decision of the Land Tenure Administration and Land Authority were already final when the present complaint for annulment was filed by the plaintiff-appellant, having failed to timely appeal said decision to the Office of the President. At this juncture, in view of certain ambiguity in the dissenting opinion of Justice Juan O. Reyes, on this point it seems necessary to clarify the same. It is a fact, borne out by the records that when the Land Tenure Administration denied plaintiff's application to purchase the lot on December 14, 1961 (Annex "L") copy of which was received by plaintiff-appellant on January 2, 1962 (Annex "M"), Civil Case No. 38535 was already commenced in the municipal court of Manila on November 18, 1958 by Land Tenure Administration against plaintiff-appellant Benavides for ejectment. The dissenting opinion overlooked the fact that what is questioned here is the arbitrary and unjustified cancellation of plaintiff-appellant's application, not his qualifications to acquire the land, which issue can only be finally determined by the courts and not by the Office of the President.

The alleged erroneous finding of this Court regarding the principle of *res judicata* and its application to defendants-appellees are likewise fully discussed in the same decision and needs no further discussion.

Finally, as to the contention that the judgment giving plaintiff-appellant Benavides "a right to be preferred in

applying for and buying the lot in question" is merely interlocutory, suffice it to state that said decision disposed of the action in its entirety and left nothing to be done by the trial court with respect to the merits of the case, hence final (*De Ocampo vs. Republic*, L-19533, Oct. 31, 1963, 9 SCRA 440; *Dy Chun vs. Mendoza*, L-25461, Oct. 4, 1968, 25 SCRA 431).

WHEREFORE, upon the foregoing premises the motion for reconsideration is denied for lack of merit.

SO ORDERED.

Serrano, Barcelona and Fernandez, JJ., concur.

Reyes, J.O., J., dissents.

Motion denied.

[No. 39337-R. April 30, 1973]*

SILVINA C. LAYA, ET AL. plaintiffs and appellants, *vs.*
NATIVIDAD PARAS, ET AL., defendants and appellants

1. SUITS ARISING FROM SAME ACT; CIVIL ACTION FOR DAMAGES; DETERMINATION OF WHETHER IT IS ONE ARISING FROM A CRIME OR FROM QUASI-DELICT; CASE AT BAR.—The following allegations of the complaint determine, *inter alia*, the nature of the action, either as one arising from a crime or from a quasi-delict: (1) the averment that the erring defendant driver is primarily liable for damages but because of his insolvency the defendant employer or his representative is liable subsidiarily; (2) the allegation about the driver's final conviction and the fact of his insolvency in the criminal action; (3) plaintiffs reserved the right to seek indemnity in a separate civil action; and (4) the first piece of evidence offered by plaintiffs at the trial of the civil case was the final decision of conviction rendered in the criminal case against the erring defendant driver.
2. ID.; DEFENSE OF OBSERVANCE OF DILIGENCE OF A GOOD FATHER OF A FAMILY IS IMMATERIAL IN CIVIL ACTION FOR DAMAGES ARISING FROM A CRIME.—The defense that the defendant operator or employer has observed all the diligence of a good father of a family to prevent damage, conformably to the last paragraph of Article 2180 of the Civil Code, though relevant in an action based upon a quasi-delict, is, however, immaterial in an action predicated upon a liability arising from a crime. What is controlling is the principle that once there is conviction for a felony, final in character, the employer according to the plain and explicit command of Article 103 of the Revised Penal Code is subsidiarily liable.
3. VEHICULAR ACCIDENTS; EXEMPLARY DAMAGES; NON-LIABILITY OF OPERATOR OR EMPLOYER; REASONS.—The point that not only the erring driver but all the other defendants should be liable to the plaintiffs for exemplary damages is not well taken. It is enough to say that an example should be made, or corrective measures employed, for the public good, especially in accident cases where public carriers are involved. For the causative negligence in such cases is personal to the employees actually in charge of the vehicles, and it is they who should be made to pay this kind of damages by way of correction or example, unless by the demonstrated tolerance or approval of the owners they themselves can be held at fault and their fault is of the character described in Article 2232 of the Civil Code. And since they are awarded not by way of compensation, but as a warning to others, they can only be awarded against the one who has participated in the offense and the principal therefore cannot be held liable for them merely by reason of wanton, oppressive or malicious intent on the part of the agent. (15 Am. Jur. 730; *Munsayac vs. De Lara*, 23 SCRA 1087).

APPEAL from a judgment of the Court of First Instance of Manila. Francisco Geronimo, J.

The facts are stated in the opinion of the Court.

Angel A. Sison for defendants and appellants.

Arturo M. Tolentino and Jimenez B. Bautista for plaintiffs and appellants.

* Vol. 18 C.A.R. (2s), p.—.

ENRIQUES, *Actg. Pres. J.*:

On August 3, 1952, between two and three o'clock in the afternoon, Jose Palma, Juan de Leon and Rodolfo Escosa were riding in a Chevrolet car driven by Juan C. Laya, when they were hit, while travelling along the highway at Barrio Sto. Tomas, Lubao, Pampanga by a Bataan bound bus of the Philippine Rabbit Transportation Co., bearing plate No. TPU-598, owned and operated by the late spouses Florentino P. Buan and Rizalina Paras, then driven by Ernesto Triguero, as said bus was trying to overtake another bus of the same company, in consequence of which driver Juan C. Laya died while the three others were seriously wounded.

Prosecuted for homicide with serious physical injuries thru reckless imprudence, the Court of First Instance of Pampanga found Ernesto Triguero guilty thereof beyond reasonable doubt and sentenced him to suffer the corresponding penalty of four (4) months and one (1) day of *arresto mayor* to two (2) years and four (4) months of *prision correccional* but refrained from making any pronouncement on his civil liability, plaintiffs having filed a separate civil action or damages. The accused appealed from the decision to this Court and was affirmed with the modification that the maximum penalty was increased to four (4) years of *prision correccional*.

Meanwhile, on October 12, 1953, plaintiff-heirs of the deceased Juan C. Laya, Alejandra Cabrerros, Jose Palma, heirs of Juan de Leon and Rodolfo Escosa, commenced the present action for damages against the driver of the bus, Triguero and Natividad Paras and Bienvenido Buan as joint administrators of the estate of the late spouses Florencio Buan and Rizalina Paras. Subsequently, on December 18, 1953, the same was amended and in view of the affirmance of this Court of the decision of the criminal case against the driver-appellant Triguero, a supplemental complaint to allege these facts was filed on February 17, 1956.

Defendants-appellants filed its answer alleging that it had exercised due diligence in the selection of its employees and in supervising them in the performance of their duties and that the accident was due to the recklessness or negligence of the plaintiffs' driver, Juan C. Laya.

The Court *a quo*, after trial found for the plaintiffs and awarded in its decision rendered on December 14, 1965:

1. To plaintiff Silvina C. Laya, Jaime Laya, Eleanor Laya, Susana Laya and Trinidad Laya, the amount of P34,000.00 itemized as follows: P6,000 for the death of the deceased; P6,000 for moral damages; P18,000.00 for loss of earning capacity at the rate of P4,500 for a period of four years; and P4,900 for the loss of the automobile;

2. To plaintiff Alejandra Cabrerros the sum of P1,680.00 representing two years' support at the rate of P70.00 a month;
3. To plaintiff Jose Palma, the sum of P3,331.93 itemized as follows: P2,331.94 as actual damages and P1,000 as moral damages;
4. To plaintiff Juan de Leon, the sum of P1,714.67 itemized as follows: P714.67 as actual damages and P1,000 as moral damages; and
5. To plaintiff Rodolfo Escosa, the sum of P3,563.00 itemized as follows: P2,566.00 as actual damages; and P1,000 as moral damages all with interest at the legal rate from the time of the filing of the complaint until all the amounts herein adjudged have been completely paid;

The defendants are likewise sentenced to pay jointly and severally the plaintiffs the sum of P5,000 in the concept of attorney's fees, plus the costs of the action. The counterclaim interposed by the defendants is denied for lack of merit.

On December 31, 1965, the plaintiffs filed a motion for reconsideration of said decision only insofar as the amount of the damages awarded is concerned alleging that it did not include the funeral expenses, income from royalties, exemplary damages and that the moral damages and attorney's fees were inadequate.

On January 19, 1966, defendants likewise filed a motion for reconsideration seeking a reversal of the decision. On February 4, 1966, the trial court rendered an amendatory decision the dispositive part of which reads as follows:

"In view of the foregoing, the court hereby modifies the dispositive part of its decision to read as follows:

IN VIEW OF THE FOREGOING, judgment is hereby rendered sentencing the defendants, jointly and severally to pay the plaintiffs as follows:

1. To plaintiffs Silvina C. Laya, Jaime Laya, Eleanor Laya, Susana Laya and Trinidad Laya the amount of P34,000.00, itemized as follows: P6,000 for the death of the deceased; P6,000.00 for moral damages; P18,000.00 for loss of earning capacity at the rate of P4,500.00 for a period of four (4) years; and P4,900.00 for the loss of the automobile;
2. To plaintiff Alejandra Cabrerros the sum of P3,360.00 representing support for four (4) years at the rate of P70.00 a month;
3. To plaintiff Jose Palma, the sum of P3,391.94 itemized as follows: P2,331.94 as actual damage and P1,000.00 as moral damages;
4. To plaintiff Juan de Leon, the sum of P1,714.67 itemized as follows: P714.67 as actual damage and P1,000.00 as moral damages;
5. To plaintiff Rodolfo B. Escosa, the sum of P3,563.00 itemized as follows: P2,563.00 as actual damages and P1,000.00 as moral damages.

The defendant Ernesto Triguero is furthermore sentenced to pay the plaintiffs Silvina C. Laya, Jaime Laya, Eleanor Laya, Susana Laya and Trinidad Laya the amount of P5,000.00 as exemplary damages; and the other plaintiffs, namely, Jose Palma, Juan de Leon and Rodolfo B. Escosa, P1,000.00 each. All the amounts herein adjudged in favor of the plaintiffs will bear interest at the legal rate from the time of the filing of this complaint until all the amount adjudged shall have been completely paid.

The defendants are likewise sentenced to pay jointly and severally, to plaintiffs the sum of P5,000.00 in the concept of attorney's

fees, plus the costs of this action. The counterclaim interposed by the defendants is dismissed for lack of merit."

From this judgment both plaintiffs and defendants appealed to this Court, the former asking for more damages and the latter insisting on non-liability.

As is usual in cases of this kind, the main issues raised in this appeal by plaintiffs and defendants are:

- 1) Who of the drivers of the colliding vehicles was at fault? Was it due to the fault of Laya or of Triguero?
- 2) Have the defendants-employers of Triguero exercised due diligence in the selection and supervision of the employees including Triguero?
- 3) Are plaintiffs entitled to damages?
- 4) Are the damages awarded to the plaintiffs fair and reasonable?

Before passing on the issues raised herein, a preliminary question must be disposed of. This refers to the nature of the present action, namely, whether the liability sought to be enforced herein arises from a crime as contended by the plaintiffs, or from a *quasi-delict* as urged by defendants-appellants. The importance of this issue is due to the fact that defendants-appellants' alleged diligence in the selection of its employees and in exercising supervision over them would be a good defense should the action be based upon a *quasi-delict*, but if predicated upon a liability springing from a crime.

We cannot adopt defendants-appellants' pretense. Indeed, in their amended complaint, plaintiffs premised their action against herein defendants-appellants upon the allegation that "judgment issue in favor of the plaintiffs and against Ernesto Triguero and the combined estate of the deceased spouses Florentino Buan and Rizalina Paras and in their supplemental complaint, upon the allegation that defendant Ernesto Triguero has since the filing of the amended complaint * * * been found to be insolvent." In other words plaintiffs-appellants maintain that Triguero is primarily liable for said damages but because of his insolvency defendants administrators are liable subsidiarily, which is typical of the civil liability arising from crimes pursuant to Arts. 102 and 103 of the Revised Penal Code.

There is also the allegation in the amended complaint about Triguero's conviction (par. VII) and about the affirmance of said conviction by this Court and the fact of his insolvency (par. 1 and 2) which sustains plaintiffs-appellants' claim that the action is on account of the crime committed by defendants' employee. If this action is based upon the primary liability of defendants-appellants administrators, upon a *quasi-delict*, there would have been no need of suing the defendant-appellant Triguero.

Another circumstance militating in favor of plaintiffs-appellants contention is the fact that in the criminal action, plaintiffs-appellants reserved the right to seek indemnity in a separate civil action. There can be no doubt that the present action was filed pursuant to said reservation which would have been unnecessary had plaintiffs-appellants not based their right of action upon Triguero's criminal liability. Further corroboration is supplied by the fact that the first piece of evidence offered by plaintiffs-appellants herein, at the trial of this case in the lower court was the decision of conviction rendered in the criminal case against Triguero by the Court of Appeals (Exh. "U").

Clearly, the action is to enforce the subsidiary liability of the defendants-appellants administrators as the employers of Triguero particularly when both are sued in the same action as in the instant case in order to exact the primary liability of the employee Triguero and the subsidiary liability of the employer and not a *quasi-delict*.

Taking up now the question seriatim, we find that this Court in the criminal case (CA-G.R. No. 11824-R) entitled *People of the Philippines vs. Ernesto Triguero*, affirmed the decision of the court below finding that the accident resulting in the death of one (Juan Laya) and injuries to three others (de Leon, Palma and Escosa) had been due to the negligence of the bus driver defendant-appellant Triguero (Exh. "U"). In view of this finding, we believe it becomes unnecessary to discuss the merits of appellants' first assignment of error on this point. To take up this issue anew, would be equivalent to this Court reviewing its decision in the criminal case which is already final.

Defendants-appellants further urged that the trial court erred in considering and admitting in this case the judgment of conviction in CA-G.R. No. 11824-R (Exhs. "U", "U-1", and "U-2") in which appellants administrators were not parties.

While it is true that the defendants-appellants administrators in this case were not parties to the criminal case, since the liability sought to be enforced against them in this case is merely subsidiary and it is a necessary consequence of the judgment of conviction rendered in the criminal case, the decision of this Court in the criminal case is equally applicable against defendants-appellants, administrators herein.

Moreover, it is already settled that the judgment of conviction in the criminal case against an employee is, not only admissible in evidence in the civil case against the employer but, also, conclusive upon his subsidiary liability arising from the employee's criminal liability.

Thus, in *Miranda vs. Malate Garage & Taxicab, Inc.*, 99 Phil. 670, the Supreme Court held:

"It is true that an employee, strictly speaking is not a party to the criminal case instituted against his employer but in substance and in effect he is, considering the subsidiary liability imposed upon him by law. It is his concern, as well as of his employer, to see to it that his interest be protected in the criminal case by taking virtual participation in the defense of his employer. He cannot leave him to his own fate because his failure is also his. And if because of his indifference or inaction the employee is convicted and damages are awarded against him he cannot later be heard to complain if brought to court for the enforcement of his subsidiary liability that he was not given his day in court."

The language used in *Martinez vs. Barredo*, 81 Phil. 1, was:

"After very careful reflection, we have arrived at the opinion that the judgment of conviction, in the absence of any collusion between the defendant and the offended party, should bind the person subsidiarily liable. The stigma of a criminal conviction surpasses in effect mere civil liability. Common sense dictates that a finding of guilt in a criminal case in which proof beyond reasonable doubt is necessary should not be nullified in a subsequent civil action requiring only preponderance of evidence to support a judgment, unless those who support the contrary rule should hold that an absolution in a civil case will operate to automatically set aside the verdict against the defendant in the criminal case.

"* * * In other words, the employer becomes *ipso facto* subsidiarily liable upon his driver's conviction and upon proof of the latter's insolvency, in the primary civil liability but also his employer's subsidiary liability for such criminal negligence."

These views were reiterated in *Nagrampa vs. Mulvaney*, 97 Phil. 724 and *Orsal vs. Alisbo*, L-13310, November 28, 1959; *M.D. Transit & Taxi Co., Inc. vs. CA*, 22 SCRA 560).

On the second posed, the rule under Art. 2180 of the Civil Code of the Philippines relied upon by defendants-appellants makes an employer liable for damages caused by his employee in the discharge of his duties even the former adequately proves having exercised due care in the selection and supervision of the employee.

Defendants-appellants contend that it had observed all the diligence of a good father of a family to prevent damage, conformably to the last paragraph of article 2180 and that the trial court erred in disregarding appellants' evidence on the alleged diligence exercised by them in selecting its employees and in supervising them in the discharge of their duties. Though relevant in an action based upon a *quasi-delict*, said diligence is, however, immaterial in the case at bar, the same being predicated upon a liability arising from a crime. What is controlling them is the principle that once there is conviction for a felony, final in character, the employer according to the plain and explicit command of article 103 of the Revised Penal Code is subsidiarily liable.

Inasmuch as it has been established that the accident was the result of the negligence of the bus driver, Triguero, the lower court rightly adjudged the defendants Triguero and administrators of the estate of Buan, operator of the Philippine Rabbit Bus Co., liable for damages to the plaintiff.

In connection with the award of damages which plaintiffs as appellants impugn as inadequate or too small, we find that the court *a quo* granted only ₱6,000.00 to plaintiffs heirs of Juan C. Laya for his death. As has been the policy followed by this Court pursuant to Arts. 104 and 107 of the Revised Penal Code in relation to Art. 2206 of the Civil Code as construed and applied in the case of *People vs. Pantoja*, L-18793, October 11, 1968 and subsequent cases, the minimal award should be increased to ₱12,000.00.

As to the amount of ₱18,000.00 representing the loss of earning capacity due to the death of Juan C. Laya, based on his annual salary of ₱4,500.00 for a period of four (4) years, we are of the opinion that the same was not properly considered, as held in the case of *Villa Rey Transit, Inc. vs. Court of Appeals*, 31 SCRA 511—

“* * * in the determination of the losses or damages sustained by dependents and intestate heirs of the deceased, said damages consist not of the full amount of his earnings but of the support they received or would have received from him had he not died in consequence of the negligence of defendant. In fixing the amount of support, the necessary expenses of deceased of his own living should be deducted from his earnings. Thus, it has been consistently held that earning capacity, as an element of damages to one's estate for his death by wrongful act is necessarily less than the necessary expenses for his own living. Stated otherwise, the amount recoverable is not the loss of the entire earning, but rather the loss of that portion of the earnings which the beneficiary would have received. In other words only the net earnings, not gross earnings, are to be considered, that is, the total of the earnings less expenses necessary in the creation of such earnings or income and less living and other incidental expenses.”

All things considered, we are of the opinion that it is fair and reasonable to fix the deductible living and other expenses of the deceased in the sum of ₱200.00 a month or ₱2,400 a year considering that he has four children, or ₱9,600 for the period of four (4) years of his life expectancy. Consequently, the loss sustained by his heirs may be fixed at ₱18,000.00 (income for four years at ₱4,500/yr.) minus ₱9,600 (living expenses) leaves the sum of ₱8,400.00, and that of his mother at ₱50.00 per month for the period of four years of his life expectancy or the total of ₱2,400.00.

The non-inclusion in its computation of the royalties, Laya would have earned for publication and writing of his books was proper for as correctly held by the trial

court, the same is speculative and this Court finds no sufficient legal basis for awarding the same.

As to the other alleged actual and moral damages and attorney's fees, the lower court fairly assessed it at ₱6,000.00 to the heirs of Juan C. Laya and ₱1,000.00 each respectively to Palma, de Leon and Escosa considering that plaintiffs-appellants have not adduced impelling reasons to justify us in disturbing the findings of the lower court by substituting ours for its sound discretion exercised in the light of the facts and circumstances obtaining in this case as observed by it.

The amount of ₱4,900.00 for the loss of the car, there being no receipts submitted in evidence to prove its cost at the time of the accident and the amount it was actually sold as junk, is correctly rejected by this court.

With respect to the finding on exemplary damages in favor of plaintiffs with the exception of Cabrerros, against Triguero alone, the plaintiffs-appellants point out that not only Triguero but all other defendants should be liable to all the plaintiffs.

The point of plaintiffs-appellants is not well taken. "It is enough to say that an example should be made, or corrective measures employed, for the public good, especially in accident cases where public carriers are involved. For the causative negligence in such cases is personal to the employees actually in charge of the vehicles, and it is they who should be made to pay this kind of damages by way of correction or example, unless by the demonstrated tolerance or approval of the owners they themselves can be held at fault and their fault is of the character described in Article 2232 of the Civil Code. "And since they are awarded not by way of compensation, but as a warning to others, they can only be awarded against the one who has participated in the offense and the principal therefore cannot be held liable for them merely by reason of wanton, oppressive or malicious intent on the part of the agent." (15 Am. Jur. 730; *Munsayac vs. De Lara*, 23 SCRA 1087).

From the decision under review, there is nothing to show that defendants-appellants administrators previously authorized or subsequently ratified appellant Triguero's wrongful act or recklessness, as to warrant their liability for exemplary damages.

The findings and conclusion of negligence on the part of defendant-appellant Triguero in the criminal case and not on the part of the plaintiffs show the lack of merit of the last assignment of error about the dismissal of defendants-appellants' counterclaim.

WHEREFORE, the judgment appealed from is hereby modified finding defendant-appellant Ernesto Triguero primarily

liable to the plaintiffs for the damages sustained by the latter and hereby orders the former to pay the latter the following:

- 1) To plaintiffs Silvina C. Laya, Jaime Laya, Eleanor Laya, Susana Laya and Trinidad Laya the amount of P26,400, itemized as follows: P12,000 for the death of the deceased; P6,000.00 for moral damages; P8,400 for loss of earning capacity;
- 2) To plaintiff Alejandra Cabrerros, the sum of P2,400.00 representing support for four (4) years at the rate of P50.00 a month;
- 3) To plaintiff Jose Palma, the sum of P3,331.94 itemized as follows: P2,331.94 as actual damages and P1,000.00 as moral damages;
- 4) To plaintiff Juan de Leon, the sum of P1,714.67 itemized as follows: P714.67 as actual damages; and P1,000.00 as moral damages;
- 5) To plaintiff Rodolfo B. Escosa, the sum of P3,563.00 itemized as follows: P2,563.00 as actual damages and P1,000.00 as moral damages;
- 6) Exemplary damages in the amount of P8,000.00 (P1,000.00 to each of the five Laya heirs, Palma, de Leon and Escosa);
- 7) Attorney's fees in the amount of P5,000.00.

All the amounts herein adjudged in favor of the plaintiffs will bear interest at the legal rate from the time of the filing of the complaint until all the amount adjudged shall have been fully paid.

The counterclaim interposed by the defendants is dismissed for lack of merit.

Finding defendants-appellants Natividad Paras and Bienvenido P. Buan in their capacity as joint administrators of the estate of the late spouses Florencio P. Buan and Rizalina Paras, subsidiarily liable to plaintiffs, in the amounts above indicated in the event that defendant Triguero fails to pay the same or is insolvent. Costs against defendants.

So ORDERED.

Canonoy and Fernandez, JJ., concur.

Judgment modified.

MGA KAUTUSANG PANGPANGASIWAAN AT ALITUNTUNIN NG MGA KAGAWARAN, KAWANIHAN AT TANGGAPAN

(DEPARTMENT, BUREAU AND OFFICE ADMINISTRATIVE
ORDERS AND REGULATIONS)

Kataas-taasang Hukuman ng Pilipinas (SUPREME COURT OF THE PHILIPPINES)

SUPREME COURT OF THE PHILIPPINES
MANILA
ADMINISTRATIVE SUPERVISION OF
COURTS

ADMINISTRATIVE ORDER No. 24

In the interest of the administration of justice and pursuant to Section 5(3), Article X of the new Constitution, the Honorable EUFROCINIO DELA MERCED, District Judge, Court of First Instance of Palawan, Branch III at Brooke's Point, is hereby temporarily assigned to the Court of First Instance, Branch I at Puerto Princesa

City, for a period of six (6) months effective upon receipt hereof, for the purpose of trying and deciding all kinds of cases therein.

This authority supersedes that granted to the Honorable Augusto Santamaria, District Judge, Branch IV at Coron over the cases pending in Branch I, thereof and it is understood that Judge dela Merced shall not be entitled to per diems under this Administrative Order.

Manila, June 6, 1975.

(Sgd.) QUERUBE C. MAKALINTAL
Chief Justice

Kagawaran ng Katarungan (DEPARTMENT OF JUSTICE)

REPUBLIKA NG PILIPINAS
KAGAWARAN NG KATARUNGAN
DEPARTMENT OF JUSTICE
MANILA

May 19, 1975

ADMINISTRATIVE ORDER No. 66

In the interest of the public service and pursuant to the provisions of existing laws, Mr. ARTURO C. HERNANDEZ, State Prosecutor II, Pro-

secution Staff, this Department is hereby designated to assist the Acting Chairman, Commission on Audit, in the prosecution of the charges filed against Mr. Basilio C. de Leon, for alleged malversation, now pending hearing before the City Fiscal's Office of Manila, effective immediately and to continue until further orders.

(Sgd.) VICENTE ABAD SANTOS
Secretary of Justice

May 19, 1975

ADMINISTRATIVE ORDER No. 67

Pursuant to the provisions of Republic Act No. 6407, Budget Circular No. 240, dated July 22, 1974, and authority granted by the President on January 6, 1975, the salaries (national share) of the following fiscals are adjusted, as follows:

Name	Position	Actual Salary (Nat'l. Share) R.A. 6407	10% of actual Salary	Total adjusted Salary P/A
<i>Pangasinan</i>				
Oliver Cabel (eff. 1/29/75)	1st Asst. Prov'l Fiscal	P13,200	P1,320	P14,520
Rogelio Dancel (eff. 2/1/75)	Asst. Prov'l Fiscal	7,800	780	8,580
Josue Oreas (eff. 3/31/75)	Asst. Prov'l Fiscal	7,800	780	8,580

Name	Position	Actual Salary (Nat'l. Share) R.A. 6407	10% of actual Salary	Total adjusted Salary P/A
Alicia Decano (eff. 2/1/75)	Asst. Prov'l Fiscal	7,800	780	8,580
Eugenio Ramos (eff. 2/1/75)	Asst. Prov'l Fiscal	7,800	780	8,580
Laurencia Abelon (eff. 1/29/75)	Asst. Prov'l Fiscal	7,800	780	8,580
<i>Ilocos Norte</i>				
Eliseo Ga. Fernandez (eff. 4/14/75)	Asst. Prov'l Fiscal	7,800	780	8,580
Romualdo Anteola (eff. 2/4/75)	Asst. Prov'l Fiscal	7,800	780	8,580

(Sgd.) CATALINO MACARAIG, JR.
Undersecretary of Justice

REPUBLIKA NG PILIPINAS
KAGAWARAN NG KATARUNGAN
DEPARTMENT OF JUSTICE
MANILA

May 23, 1975

ADMINISTRATIVE ORDER No. 68

In the interest of the public service and pursuant to the provisions of existing laws, Mr. FLORENCIO V. SERRA, State Prosecutor II, Prosecution Staff, this Department, is hereby designated Acting City Fiscal of Toledo City in the reinvestigation and prosecution, if the evidence warrants, of the charges filed by Vicente Bedanillo, Sr., against Marcelo Barba, et al., for malversation of public funds thru falsification of public documents, effective immediately and to continue until further orders.

(Sgd.) VICENTE ABAD SANTOS
Secretary of Justice

REPUBLIKA NG PILIPINAS
KAGAWARAN NG KATARUNGAN
DEPARTMENT OF JUSTICE
MANILA

May 27, 1975

ADMINISTRATIVE ORDER No. 69

In the interest of the public service and pursuant to the provisions of existing laws, Mr. ESPERIDION R. MANALASTAS, Assistant City Fiscal

of Tagaytay City, is hereby designated to assist the Provincial Fiscal of Cavite in the investigation and prosecution of all criminal cases arising within the jurisdiction of the Province of Cavite, in addition to his present duties, effective immediately and to continue until further orders.

(Sgd.) VICENTE ABAD SANTOS
Secretary of Justice

REPUBLIKA NG PILIPINAS
KAGAWARAN NG KATARUNGAN
DEPARTMENT OF JUSTICE
MANILA

June 4, 1975

ADMINISTRATIVE ORDER No. 70

In the interest of the public service and pursuant to the provisions of existing laws, Atty. FRANCISCO Ma. GUERRERO, on detail with the Prosecution Staff, this Department, is hereby designated to assist the Director of the Bureau of Animal Industry to study if a criminal action can be filed against those involved in the importation of cattle for the Malaybalay Stock Farm, effective immediately and to continue until further orders.

(Sgd.) VICENTE ABAD SANTOS
Secretary of Justice

Kagawaran ng Likas na Kayamanan

(DEPARTMENT OF NATURAL RESOURCES)

BUREAU OF MINES

B. M. Form No. MRD-I

APPENDIX "A"

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF NATURAL RESOURCES
BUREAU OF MINES
MANILA

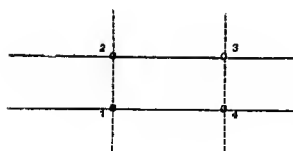
DECLARATION OF LOCATION

Name of Claim Mineral(s)
Municipality of Name of Locator
Province of Address

I, the undersigned, of legal age and a citizen of the Philippines, do hereby declare and give notice that:

1. Pursuant to the provisions of Presidential Decree No. 463, relative to the location of mining claims, I have located a certain mineral area situated in the Barrio of, Municipality of, Province of Island of Philippines, bounded by longitudes and latitudes and identified per Mines Meridional Map, as follows:

PCGS Map No. Block No.
Longitude Longitude

	<p>Latitude</p> <p>Latitude</p>
---	---

(Indicate degrees and minutes of boundaries of block)

with an approximate area of hectares, more or less, excluding areas of subsisting mining rights, if any.

2. If the land or any portion thereof is inside public lands covered by existing concessions or rights other than mining, or covered by certain private property, the necessary written permission

to enter, prospect and explore within such part of the mining claim shall first be secured pursuant to Presidential Decree No. 463 and the regulations promulgated thereunder.

3. The above area located is named "....." mineral claim and being registered

a) for the undersigned declarant or

b) for and in behalf of whose address is, under a previously registered power of attorney granted the herein declarant

4. Undersigned locator hereby recognizes the authority of the Director of Mines or his representative to enter the mining claim herein registered and to conduct, at his option, such exploration work within the area when in his opinion it is to the best interest of the country that the Bureau of Mines undertake such work

5. The filing fee in the amount of fifty pesos (P50.00) for this declaration and the occupation fee for the area covered thereby had been paid

.....
Declarant

TAN No.

Witnesses:

REPUBLIC OF THE PHILIPPINES }
..... } S.S.
..... }

Subscribed and sworn to before me this day of 19..., the affiant exhibiting Residence Certificate No. issued at on the day of 19....

.....
Notary Public
My Commission expires on
Dec. 31, 19
PTR

Doc. No.
Page No.
Book No.
Series of 19

OFFICE OF THE MINING RECORDER

MINING REGION NO.

The filing fee therefor having been paid, the foregoing instrument was filed for record in this Office at o'clock and minutes m. on the day of A.D. 19 and has been recorded in Book No. of the Records of Mining Claims of this Region, on pages as Declaration No.

Filing fee paid under Official Receipt No. dated 19 in the amount of ₱50.00.

Occupation fee paid under Official Receipt No. dated 19 in the amount of ₱.....

.....
Mining Recorder

INSTRUCTIONS

1. To be prepared in quintuplicate and all blanks shall be filled in before filing for registration. Place the word "NONE" if not applicable.
2. Signed with two attesting witnesses.
3. Filing and occupation fees if not paid on or before date of registration, voids the claim.
4. If declared for an association of persons, such association must be either a duly registered partnership or corporation at least 60% of the capital of which is owned and held by the citizens of the Philippines.

B. M. Form No. MRD-3

APPENDIX "B"

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF NATURAL RESOURCES
BUREAU OF MINES
MANILA

APPLICATION FOR ORDER OF SURVEY OF MINING CLAIMS

The Director of Mines
Manila

Sir:

I have the honor to request that pursuant to Presidential Decree No. 463 an order for survey be issued by your Office to Geodetic Engineer of your Bureau or to Geodetic Engineer with G.E. No., PTR No. and

post-office address The areas covered by this application are contained in the attached declaration/s of location for the guidance of the geodetic engineer in the execution of the survey of the following claim/s:

Name of Claim	Locator	Date Recorded	Mplty./Prov.

In this connection, it is understood that the lease, license, patent, coal or permit survey applied for covering the mining claim/s above-mentioned will not necessarily give me any preferential and/or additional rights, that no extension for the submittal of survey returns shall be allowed unless for reasons of force majeure and that the said survey shall be subject to the final outcome of any case involving the said mining claims.

I Hereby Accept This Assignment:

Very truly yours,

Deputy Geodetic Engineer

TAN No.

Applicant

TAN No.

Processing fee paid under O.R. No.
Dated in the amount of ₱

INSTRUCTIONS: This form shall be used in applying for order of survey of mining claims, licenses, permits located and registered or applied for under Presidential Decree No. 463, Com. Act No. 137, as amended, or other mining laws. It shall be accomplished and submitted in triplicate to the Director of Mines together with two (2) certified copies of the declarations of location of the claim or group of claims or applications desired to be surveyed.

B.M. Form No. MRD 4

APPENDIX "C"

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF NATURAL RESOURCES

BUREAU OF MINES
MANILA

ORDER OF SURVEY OF MINING/QUARRY
CLAIMS

Eng
.....
.....

Sir:

An application for an Order of Survey of
..... claim/s has been filed in this
(Mining/Quarry)
Office on, 19.....

By
Address

who paid the following:

Application fee, Official Receipt No.
Dated P.....

Survey fee, Official Receipt No.
Dated P.....

You are therefore hereby directed to execute
the survey of the claim/s located
(Mining/Quarry)
for and hereunder identified as:
(Minerals/Quarry Resources)

Survey Number	Name of Claim	Locator of Claim	Date Registered	Location Multy./ Prov.

(attach additional sheets if necessary)

1. The survey shall be executed in accordance with the provisions of the Mineral Resources Development Decree of 1974 (Presidential Decree No. 463), its implementing regulations, and the Ma-

nual of Regulations for Mineral Land Surveys in the Philippines, and shall include, among others, a topographic survey of the area.

2. In executing this survey, an investigation shall be conducted and a report containing the following shall be submitted:

(a) Existence of any adverse claim or conflict. The original corners and posts of the claim/s, if any, and those of private (Mining/Quarry) titled or claimed lands, should be surveyed and shown on the field notes, computations, plans and report of survey;

(b) The persons developing the claim/s if other than the applicant or locator; (Mining/Quarry)

(c) Whether the claims are within or outside any established forest reservation, national park, communal pasture or other reservations;

(d) Whether the claims under survey are near (state the distance) reservations, public highways, railroads, waterways, dams, reservoirs, public or private structures, cemeteries, watershed areas, or other water sources for drinking purposes; and

(e) A certificate of the Geodetic Engineer that he has duly monumented the corners of the claim, attested by the applicant or his authorized representative who witnessed the setting of the prescribed monuments.

3. In cases of conflict of survey orders and trouble or breach of peace, arising on the claims subject hereof, by reasons of conflicting mining/quarry locations and/or *force majeure* duly certified by the proper authorities, then the survey authorized under this Order may be suspended.

4. The survey herein authorized should not be construed as a recognition of any preferential or additional right and should be without prejudice to a final decision of any case involving the mining/quarry claims subject hereof.

5. The applicant should notify this Office of any change in address and shall be responsible for non-delivery of any mail or notice by reason of failure to do so.

6. This Order is issued subject to any preferential and/or subsisting right of any party other than for whom this Order has been issued.

7. In case of group locations of mining claims, boundary survey may be submitted for approval, but does not exempt the lease/quarry applicant from pursuing the survey of the individual claims therein in accordance with existing laws and regulations.

8. Failure to submit the survey returns to the Director of Mines within ONE (1) YEAR after receipt of this Order, shall cause the cancellation of this Order and the claims covered thereby. No extension of the ONE (1) YEAR period within which to submit survey returns shall be allowed unless for reason of *force majeure*.

9. The Mining or Quarry Application properly accomplished on the prescribed form for the claims covered by this Order shall be filed not later than

Manila, Philippines,, 19.....

Very truly yours,
Director of Mines

I hereby accept this Order and
assume responsibility for its execution.

Geodetic Engineer

TAN

PTR No.

Copy furnished the applicant:

B.M. Form No. MRD 17-A

APPENDIX "D"

PHILIPPINE NATIONAL GRID

COORDINATE CONVERSION, GEOGRAPHIC TO GRID

Station Zone B.M. Survey No.

$\Delta \lambda = \lambda - \lambda$ of Central Meridian	λ of C.M.
$\Delta \lambda'' = \Delta \lambda$ in seconds	$\Delta \lambda''$
$p = .0001 (\Delta \lambda'')$	$\Delta \lambda''$
$N = 1 + p^2 (II + p^2 III)$	p
$E' = p [IV + p^2 (V + p^2 VI)]$	p^2
$E = 500,000.000 + E'$	VI
*Take note of the (-) sign of Diff. 1 st of the (-) sign of p and E'	V for minutes of θ
III	V for seconds of θ
II for minutes of θ	$p^2 VI$
II for seconds of θ	$V + p^2 VI$
II	IV for minutes of θ
$p^2 III$	IV for seconds of θ
$II + p^2 III$	IV
I for minutes of θ	$\theta^2 (V + p^2 VI)$
I for seconds of θ	$IV + p^2 (V + p^2 VI)$
I	$F. E$
$p^2 (II + p^2 III)$	$p [IV + p^2 (V + p^2 VI)] = E'$
N	E

MERIDIAN CONVERGENCE

$$\Delta \alpha = AC \times \frac{E'}{1000}$$

AC = Angular convergency in seconds of arc per kilometer of departure corresponding to the latitude of the place of observation.

E' = The departure of the point of observation from the central meridian in meters.

$\Delta \alpha$ = Convergency correction in seconds of arc East or West of the central meridian.

NOTE: For tertiary accuracy of surveys, computation of angular convergency correction as formulated in Technical Bulletin No. 22 is adopted for DANR Bulletin No. 26.

Computed by: Checked by:
Date: Date:

BM Form No. MRD 17-B

APPENDIX "E"

PHILIPPINE NATIONAL GRID

CONVERSION OF COORDINATES, GRID TO GEOGRAPHIC

Station Zone B.M. Survey No.

N	E
I for minutes of θ	$F. E$
$N - (I \text{ for min. of } \theta) =$	$500,000.000$
$N - (I \text{ for min. of } \theta) =$	E'
$N - (I \text{ for min. of } \theta) =$	$q = (000001) E'$
$(VIII - VII) (0167) = \text{Diff. 1st of } I$	q^2
$(VIII - VII) (0167) = \text{Diff. 1st of } VII$	XI
$VIII$	X for minutes of θ
$VIII$	X for seconds of θ
$(VIII - VII) (0167) =$	X
$VIII$ for seconds of θ	$q^2 XI$
$VIII$	$X - q^2 XI$
VII for minutes of θ	IX for minutes of θ
VII for seconds of θ	IX for seconds of θ
VII	IX
$q^2 VIII$	$q^2 (X - q^2 XI)$
$VII - q^2 VIII$	$IX - q^2 (X - q^2 XI)$
$q^2 (VII - q^2 VIII) = \Delta \theta'$	$q [IX - q^2 (X - q^2 XI)] = \Delta \lambda'$
θ'	λ of C.M.
$\Delta \theta$	$\Delta \lambda$
θ	λ
$\Delta \theta'' = q^2 (VII - q^2 VIII)$	$\Delta \lambda'' = q [IX - q^2 (X - q^2 XI)]$
$\theta = \theta' - \Delta \theta$	$\lambda = \lambda$ of C.M. + $\Delta \lambda$

MERIDIAN CONVERGENCE

$$\Delta \alpha = AC \times \frac{E'}{1000}$$

AC = Angular convergency in seconds of arc per kilometer of departure corresponding to the latitude of the place of observation.

E' = The departure of the point of observation from the central meridian in meters.

$\Delta \alpha$ = Convergency correction in seconds of arc East or West of the central meridian.

NOTE: For tertiary accuracy of surveys, computation of angular convergency correction as formulated in Technical Bulletin No. 22 is adopted for DANR Bulletin No. 26.

Computed by: Checked by:

Date: Date:

BM Form No. MRD 18

APPENDIX "F"

Title Portion of a Survey Plan of Mining Claim

Original Declaration(s) of Location Recorded On

Amended Declaration of Location Recorded on:

Locator:

Deed of Assignment Recorded:

Application for Order of Lease Survey No.

Filed Lease Application No. V-.....

Filed

Order of Survey Issued

Survey Returns Submitted

MINERAL LAND SURVEY MAP

Province of

PLAN

As Surveyed For
Lease Purposes For
Situating in the

Sitio of
Barrio of
Municipality of
Province of
Island of

Containing An Area of Has.
Philippines Transverse Mercator Projection
Central Meridian O E
Bearings Plane
Scale of 1:

(Graphical Scale)

Surveyed 19 By:

I hereby certify that the above information is
true and correct.

Authorized Asst.:

DEPARTMENT OF NATURAL RESOURCES
BUREAU OF MINES

I certify that this is a correct plan of the survey herein platted, the verified original field notes, computations and report of which are on file in this Office. Executed under Authority of Section Act No. as Amended and in accordance with the existing regulations of the Bureau of Mines, Wherefore, the same is hereby approved.

The approval of this plan, however, does not necessarily give any preferential and/or additional right to the party for whom the survey has been made, likewise, this approval shall be subject to the final decision of any case wherein the mining claims platted on this plan is/are involved, and to the provisions of Mines Administrative Order No. 5.

Manila, P.I.

....., 19

Director of Mines

Geodetic Engineer

PTR No.

Dated:

Geodetic Engineer

PTR No.

Dated:

Platted by:

Traced by:

Checked by:

(Survey No.)

This survey was executed with a instrument, made by No., and with chain and stadia tested and approved by the Bureau of Mines. The work of transitman was performed by	B.M. Form No. MRD 16 FIELD NOTES Kind of Survey Survey No. Section P.D. 463 Applicant	APPENDIX "G"
Subscribed and sworn to before me this day of, 19....., affiant exhibiting his Resi- dence Certificate No. Issued at, on, 197....	Location of area surveyed: Sitio of Barrio of Municipality of Province of Island of Dates of Survey: Central Meridian Used:	Address:
Notary Public Until December 31, 19.....	Name of Geodetic Engr. Address	Under the supervision of (To be filled in when survey has been executed by an authorized assistant.)
Doc. No. Page No. Book No. Series of	Checked by: Date Geodetic Engineer	

REMARKS

GEODETIC ENGINEER'S CERTIFICATE

I, do hereby certify that the foregoing are the complete original field notes indicating the true and actual measurements made in the survey of the mining claims in the municipality of province of

I further certify that this survey has been executed in accordance with the provisions of the mining laws of the Philippines, existing regulations and instructions issued thereto and that the foregoing field notes and accompanying plan accurately indicate the location and boundaries of the mining claim/s described in the declaration/s of location; and that I have made a thorough examination of the area covered by the said mining claims of such examination covers all information and findings for this survey.

I further certify that the required concrete monuments marking corner points of the mining claim/s have been set pursuant to existing rules and regulations and that I am aware if any statement made in this certification is misleading, my license may be cancelled.

BM Form No. MRD-19

APPENDIX "H"

**GUIDELINES FOR ACCOMPLISHING
"WORK PROGRAM" FOR MINING LEASE
APPLICATION (Form 5A-1)**

Revised January 1973

Instructions:

1. Revised BM Form 5A-1 is to be accomplished and signed by a registered and currently licensed mining engineer.
2. The mining engineer should indicate in the form his registration number and professional tax number with his official seal affixed.
3. Five copies of Revised BM Form 5A-1 should be submitted.

Requirements: (Note: A to D is self-explanatory).

E. Capitalization (must not be less than the expected expenses for the five year program of activities.

1. Credit line—To submit a certification from the manager of the bank stating the maximum amount the applicant can borrow.
2. Cash—To submit statement of cash of the applicant properly notarized or a certification of the bank of his/her cash deposit.
3. Fixed deposit—To submit a certification from the manager of the bank as to the amount of his/her fixed deposit.
4. Equipment—To submit a statement of the total value of equipment and machineries supported by invoices.
5. Annual financial report.

F. *Qualifications of person or firm to manage mining operation.*

1. Firm must be registered in Securities and Exchange Commission.
2. Educational attainment, training and experience.
 - a. For small scale operation in open cut with no blasting and with not more than 24 laborers as in the case of mine temporary Permit—a high school graduate with 5 years actual supervisory experience in quarrying or other related works duly certified by his previous employer, or a graduate of other course. (A. B. or B. S. degree) or an undergraduate (completed at least 3 years), students of mining engineering, geology or related course with 2 years actual supervisory experience in quarrying duly certified by his previous employer or an under-board mining engineering graduate with one (1) year supervisory experi-

ence in quarrying and other related works certified by previous employer.

- b. Large scale operation (open cut and underground) with 25 persons or more will be covered by Sec. 25, R.A. 4274.
3. Duration of employment with the applicant.
 - a. For small scale mine operation—The person to manage the mine operation should execute a contract with the lease applicant.
 - b. For large scale operation—the same as a above.
 - c. With regards to firm managing the mine operation covered by operating contract duration of employment with the lease applicant is not applicable.

G. *Schedule of Activities:*

Fill all blank spaces called for under column I to VI of each year of item G of the "Work Program". Detailed discussion of the program of activities for each year based on the heading under column I to VI must be placed in separate sheets. A paragraph discussion of each year program of activities is preferable.

H. *Topographic Map:* Attached topographic map (5 copies) indicating claim/claims under consideration of scale ranging from 1:2000 to 1:6000 showing location of previous and proposed exploration, development and/or exploitation works within the claim/claims such as quarry, tunnels, drill holes, trenches, test pits, dogholes, trails, roads and other works cited under item G. Tie point/tie line should be indicated. The topo map should be signed by the licensed mining engineer who prepared the "Work Program".

NOTE:

Please read this guidelines before accomplishing the "Program of Work".

BM Form No. MRD-19 (Attachment)

**CHECKLIST OF PERTINENT PAPERS TO BE
SUBMITTED WITH THE "WORK PROGRAM"
(FOR LEASE CONTRACT APPLICATION)**

1. Geological Investigation Report of the area under consideration. (one copy)
2. Certification of availability of capitalization as stated in item E of the "Work Program". (two copies)
3. Educational and supervisory experience qualifications of the person who will take charge of the project.

- a. Certification as to educational attainment by the school last attended or xerox copy of diploma. (two copies)
- b. Certification by the previous employer properly notarized as to length of service and capability of the person who will handle the project. (two copies)
4. Existing contract/agreement between the lease applicant and party who will undertake the five year program of activities. (Applicable only in case where lease applicant will not undertake the program of activities) (one copy)
5. Brief but concise discussion of the schedule of activities per year for five years. (five copies)
6. Securities and Exchange Commission registration paper of the firm who will undertake

085158—10

the exploration and development work for the lease applicant. (one copy)

7. Topographic map indicating the claim/claims at scale of at least 1:2000 or any other convenient scale showing the name/names of individual claim/claims, location of previous and/or proposed exploration and/or development work within the claim/claims such as tunnels, drill holes, trenches, test pits, trails, dogholes, and other civil works cited under the tabulated summary of the schedule of activities of the "Program of Work". (five copies)

NOTE:

Failure to submit any item stated above may cause the delay in the approval of the lease application.

BM Form No. MRD-19 (Attachment)

Date Prepared

"PROGRAM OF WORK"
FOR MINING LEASE APPLICATION

- A. Name of Applicant:
- B. Name of Claims:
- C. Location of Claims:
- D. Kind of Mineral Applied for Lease:
- E. Capitalization: (Anyone or combination of the following as long as the amount will not be less than the expected expenses for five (5) years.)

- a. Credit line
- b. Cash
- c. Fixed deposit
- d. Equipment

- F. Person or firm who will undertake the program of activities:

1. Name of Firm or Individual
2. Name of Technical Men to handle the operation
- a. Kind of License and number (if any)
- b. Education and Training:
- c. Experience and Length of service with previous employer

- G. Tabulated Summary of Schedule of Activities (Detailed discussion must be placed in separate sheets)

Geological investigation in hectares (geophysical, geochemical, reconnaissance, etc.)	No. & Footage of test pits, trenches, drill holes, tunnels or adits to be excavated and others	Area in hectares to be explored; ore reserves expected to be proven	Feet of roads, trails or civil works to be constructed	No. of Workers to be Employed	Estimated Expenses
Year					
19....					
1st yr.					
2nd yr.					
3rd yr.					
4th yr.					
5th yr.					

- H. Topographic map indicating claim/claims under consideration at scale 1:2000 or any other convenient scale showing location of previous and proposed exploration and/or development works within the claim/claims such as tunnels, drill holes, trenches, test pits, trails, dogholes, roads and other civil works under item G must be indicated.

Approved:

For the Director of Mines:

(Sgd.) REGINO M. RELOVA
 Chief Mining Engineer

Prepared and Signed by:

Mining Engineer

Registration No.

Prof. Tax No.

Date

Issued at

Date:

Note: (Please read the guidelines before accomplishing this form).

above described and which may be credited upon verification by the Bureau of Mines, to the annual work obligation for the said claim or group of claims amount to a total of ₱

3. The above-mentioned claims, which are in number with a total area of hectares, are adjoining and contiguous to each other and are all held by the herein applicant.

4. On this date, the applicant or each and every member, associate, partner or stockholder thereof in case the applicant is a corporation or partnership, holds by lease the following mining claims in the Philippines:

Name of Individual Applicant, Members or Partners	Name of Claim	Area	Date Lease Granted	Location (State Sitio, Barrio, Municipality, Province)	Kinds of Minerals

and has other interest or participation in the following corporations or partnerships engaged in mining:

Names of Corporations or Partnerships	Post-Office Address	Percentage of Interests Held

5. That the following land owners has /have granted written permissions to the applicant to enter their lands for mining purposes, which written permissions accompany this application.

Names	Post-Office Address	Nature of Claim or Interests in The Land	Kind of Title Held

6. The applicant agrees to pay the cost of the publication of the notice of this application and such other expenses as may be necessary in connection therewith.

(a) INDIVIDUAL, (b) PARTNERSHIP, (c) CORPORATION

[illegible]

Note—In column (11) write (B) if citizen by birth; under (N) if citizen by Naturalization; under (T) if citizen by treaty. The applicant association, partnership, or corporation is capitalized at P..... divided into shares of P..... par value each, with P..... subscribed on the date of incorporation of which P..... were fully paid on

7. This land is applied for and in behalf of:

(a) _____, sole individual applicant
(Name of Applicant)
whose post-office address is _____

(b) _____, a partnership which was
(Name of Applicant)
_____ registered in the (Securities
and Exchange Commission) on _____ at
least 60 per cent of the capital of which is owned and shall at all times be owned
and held by citizens of the Philippines, and whose post-office address is _____

(c) _____, a corporation duly
(Name of Applicant)
constituted and organized under the laws of _____
and registered in the Securities and Exchange Commission on _____
_____, at least 60 per cent of the capital of which is
owned and shall at all times be owned and held by citizens of the Philippines,
and whose post-office address is _____

8. This application is accompanied by:

(a) Plan (8 copies), technical description (8 copies), and a Geodetic Engineer's report;

(b) Report under oath of a licensed mining engineer or geologist on the mineral character of the land (5 copies);

(c) Proof of financial capability and technical competence of applicant;

(d) A certified copy of the deed of assignment in favor of the applicant in case he or it is not the locator of the mining claim applied for;

(e) Written permission of the owner of the land or copy of the contract between the applicant and the owner of the land;

(f) A certified copy of the articles of partnership, or corporation and by-laws in case of corporation;

(g) In case the applicant is a corporation, an affidavit of its Treasurer stating; That at least 60 per cent of the capital stock of said corporation is owned and shall at all times be owned and held by Filipino citizens; That every stockholder of said corporation owns and shall at all times own not more than 15 per cent of the capital stock then outstanding and entitled to vote in said corporation, except those who will submit their individual affidavits that they do not own any stock in any other corporation engaged in mining; that such interest is held solely for investment and not for the purpose of bringing about or attempting to bring about a combination to exercise control of such corporation, or to directly or indirectly violate any of the provisions of the Public Land Act or Presidential Decree No. 463, and that said corporation is not in anywise interested in any other corporation organized for the purpose of engaging in mining (3 copies);

9. The applicant (in case of individual) hereby states that he does not own interest in more than one corporation engaged in mining, or if he does, he does not own and shall not at all times own more than 15 per cent interest in the capital stock of any of them; that such interest is held solely for investment and not for the purpose of bringing about or attempting to bring about a combination to exercise control of such corporation or to directly or indirectly violate any of the provisions of the Public Land Act or Presidential Decree No. 463; and that he is not and shall not at all times be a trustee of more than one corporation;

10. The applicant hereby recognizes that he has no right to extract and remove any mineral for commercial purposes from the area applied for until his application is finally approved and a lease contract or a temporary permit granted in his, her or its favor;

11. The above-mentioned claims together with all the other lode or placer claims held or leased by the applicant do not exceed the maximum area or number of lode or placer claims allowed by Section 43 of Presidential Decree No. 463, and Sections 35, 37, 69, and 76 of Commonwealth Act No. 137, as amended;

12. The foregoing statements are hereby made to be true to the best of the applicant's knowledge and belief. The applicant agrees that the statements made in this application or those that will be made later in support thereof, shall be considered as conditions and essential parts of the lease that may be granted by virtue thereof, and any falsehood in those statements or omission of facts which may alter, change, or affect substantially the facts set forth in said statements shall be sufficient cause for the cancellation of the lease granted;

13. This application is filed for the exclusive use and benefit of the applicant and not either directly or indirectly for the benefit of any other person, corporation or partnership and the mineral land is applied for the sole purpose of its development and operation, and not for speculation.

14. _____, 19_____, _____,
Philippines.

Applicant

TAN _____

By _____
Attorney-In-Fact

TAN _____

P.O. Address _____

Witnesses:

AFFIDAVIT

REPUBLIC OF THE PHILIPPINES

Province of _____

Municipality of _____

} S.S.

I, _____, the person executing this affidavit for the application, first being duly sworn, depose and say: That I have read or have had read to me and thoroughly understand the foregoing application; that I signed said application and this affidavit in the presence of the officer who administered the oath; and that each and every statement in said application is true and correct.

Affiant

TAN _____

Subscribed and sworn to before me this _____ day of _____
19 _____, by the affiant who exhibited to me his residence certificate
No. _____, issued at _____, on the _____

day of _____, 19 _____, which shows that he is _____
years of age, and citizen of _____

To all of which I CERTIFY.

(Officer authorized to administer oath)

(Official Title)

PTR No. _____

Doc. No. _____

Page No. _____

Book No. _____

Series of 19 _____

Attach here 30-centavo
documentary stamp

INSTRUCTIONS

1. This application shall be accomplished in quintuplicate, two carbon copies to be retained by the applicant, the original and one carbon copy to be forwarded to the Manila Office, and the remaining carbon copy for the files of the Mines Regional Office.
2. All pertinent information required shall be given, inapplicable words cancelled and all blank spaces shall be filled up.
3. Failure of the applicant to submit all the foregoing requirements within thirty (30) days from date of filing of the application shall be sufficient cause for its rejection.

B.M. FORM No. MRD 8

APPENDIX "J"

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF NATURAL RESOURCES
BUREAU OF MINES
MANILA

APPLICATION FOR MINES/QUARRY TEMPORARY PERMIT TO
EXTRACT AND DISPOSE OF MINERALS/QUARRY RESOURCES

No. _____ Date filed _____
MTPA/QTPA
Applicant _____ Address _____
(Individual, corporation, partnership)
Married to _____
Citizen of _____
Name of locator/s _____
Assigned to _____
Date of assignment _____
Total area of claims _____
Kinds of minerals/quarry resources _____
Quantity _____

1. In accordance with the provisions of Presidential Decree No. 463, Commonwealth Acts Nos. 136 and 137 as amended by Commonwealth Act No. 309 and the rules and regulations promulgated thereunder, the undersigned citizen of _____, for and in behalf of _____, having complied with the provisions of the above-mentioned Decree and Acts relative to location, registration, survey, lease, quarry permit or license, hereby applies for a temporary

permit to extract minerals/quarry resources for commercial purposes from the following surveyed mining claims.

Names of Claims	Location (State Sitio, Barrio, Municipality, Province)	Dates of Registration	Lease Survey Number

2. An application for lease/quarry permit or license of the aforesaid claims has been filed with the Director of Mines on
No.

(LA/QPA/QLA)

3. The minerals/quarry resources are to be extracted by means of
..... workings, to be transported by
(surface and/or underground) (means of transportation)
from the mine to the provincial road, a distance of kilometers
over and from this junction to the shipping
(class and condition of the road)
point, by a distance of
(means of transportation)
kilometers of class road. The present development work
consist of and the handling facilities
(Trenches: Open cuts, underground, etc.)
in the mine are:
(wheelbarrows, barges, mechanical loading, etc.)

The essential items of mining equipment used in the area are:

having a value of P..... The estimated cost of mining is P..... per ton.
The estimated overhead cost is P..... per ton and royalty to the claim owners
(if any) is P..... per ton. The processing of minerals/quarry resources before
shipment consists of: at an
estimated cost of P..... per ton. The selling price per ton is P..... de-
livered at (Please include a copy of existing contract
with buyers, if any).

4. The applicant is willing to file a bond with the Bureau of Mines in such amount and subject to such terms and conditions as the Director of Mines may prescribe, before the grant of the temporary permit herein applied for, and to double the same in case of conflict. (Form of bond may be purchased from the Bureau of Mines.)

5. The above-mentioned claims together with all the other claims held or leased by the applicant do not exceed the maximum area or number of claims allowed by Presidential Decree No. 463.

6. The applicant agrees that the statements made in the application or made later in support thereof, shall be considered as conditions and essential parts of the temporary permit that may be granted by virtue thereof, and any falsehood in these statements or omission of facts which may alter, change, or affect substantially the facts set forth in said statements shall be sufficient cause for the cancellation of the permit granted.

7. This application is filed for the exclusive use and benefit of the applicant, and not either directly or indirectly for the benefit of any other person, corporation or partnership and the land is applied for the sole purpose of its development and operation, and not for speculation.

8. A certified copy of the contract or contracts entered into by the applicant relative to the exploitation of the above-mentioned claims and of the minerals/quarry resources thereunder is attached herewith and made part of this application. The applicant promises to furnish the Bureau of Mines with a certified copy of any such contract which it may enter into the future, immediately upon the signing thereof. The applicant likewise binds himself to furnish the Bureau of Mines with a copy of the bill of lading and invoices evidencing the total quantity of minerals/quarry resources sold and the total amount received therefor.

9. The foregoing statements are hereby certified to be true to the best of the applicant's knowledge and belief.

10. The application fee of P..... has been paid under Official Receipt No. dated, 19....., Philippines.

REPUBLIC OF THE PHILIPPINES

PROVINCE OF

MUNICIPALITY OF

} S. S.

I,, the person executing this affidavit for this application, being first duly sworn, depose and say: that I have read or have caused the foregoing application read to me; that I thoroughly understand the same; that each and every statement in said application is true and correct.

.....
Affiant

TAN

Subscribed and sworn to before me, at the place aforesaid, on this day of, 19..... The affiant exhibited to me his/her Residence Certificate No. issued at on the day of, 19....., which shows him/her to be years of age, and a native of

.....
Notary Public

My Commission expires December 31, 19

PTR No.

Doc. No.

Page No.

Book No.

Series of

INSTRUCTIONS

1. This application shall be accomplished in quintuplicate, two carbon copies to be retained by the applicant, the original and one carbon copy to be forwarded to the Manila Office, and the remaining carbon copy for the files of the Mines Regional Office.

2. All pertinent information required shall be given, inapplicable words cancelled, and all blanks shall be filled up.
3. Application not accompanied with all the required documents shall not be accepted.

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES }
 } S. S.

Before me appeared, exhibiting to me his Residence Certificate No., issued at, on the day of, 19....., known to me and to me known to be the one who executed the foregoing document, and acknowledged to me that he executed the said instrument freely and voluntarily for and in behalf of the Republic of the Philippines, as GRANTOR, and for the purposes therein specified. The said instrument, consisting of sheets of pages, including this acknowledgment page, is a Quarry Resources Permit/License to extract and dispose of for commercial purposes from the claims therein mentioned.

Wherefore, I have hereunto set my hand and affixed my notarial seal this day of, 19....., in

REPUBLIC OF THE PHILIPPINES }
 } S. S.

Before me appeared, exhibiting to me his Residence Certificate No., issued at, on the day of, 19....., known to me and to me known to be the same person who executed this foregoing document, and acknowledged to me that the same is his free and voluntary act and deed as PERMITTEE/LICENSEE, and for the purposes therein specified. The said instrument, consisting of sheet of pages, including this acknowledgment page, is a Quarry Resources Permit/License to extract and dispose of for commercial purposes from the claims therein mentioned.

Wherefore, I have hereunto set my hand and affixed my notarial seal this day of, 19....., in

Notary Public
 My Commission expires on December 31, 19.....

Doc. No.:
 Page No.:
 Book No.:
 Series of

B.M. FORM No. MRD 5

APPENDIX "K"

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF NATURAL RESOURCES
BUREAU OF MINES
MANILA

SURETY BOND

For Mines/Quarry Temporary Permit

KNOW ALL MEN BY THESE PRESENTS:

That we,
a corporation duly organized and constituted, under the laws of the Philippines,
represented in this act by its
who has been duly authorized to execute this Bond, with business and postal ad-
dress at, as Principal, and the
likewise a corporation duly organized and existing under and by virtue of the
laws of the Philippines with business and postal address at
represented in this Act by its
who has been authorized to execute this Bond, as Surety, are held and firmly bound
unto the Government of the Republic of the Philippines, adverse claimants and/or
third party in the sum of PESOS (P.....),
Philippine Currency, for the payment of which sum, well and truly to be made,
we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly
and severally, firmly by these presents:

The conditions of this obligation are, as follows:

Whereas, the said Principal on the day of, 19....,
for the grant of a Mines/Quarry Temporary Permit (MTPA/QTPA/QTLA No.)
to extract and dispose of tons of (minerals) from the
mining/quarry claim/s located in the Municipality of, Province
of and registered and known as
for commercial purposes pending the grant of the lease applied for under Mining
Lease/Quarry (Permit or License) Application No. filed in the
Bureau of Mines on, 19...., in accordance with Presidential Decree No.
463 and Commonwealth Act No. 137 as amended;

Whereas, the said Director of Mines required the said Principal to give a
good and sufficient bond in the amount stated to answer for and guarantee the
faithful compliance with the conditions of the aforesaid temporary permit and
the provisions of Presidential Decree No. 463, Commonwealth Act No. 137, as amend-
ed, and the rules and regulations promulgated thereunder, the damages that the
adverse claimants may suffer as a consequence of the said temporary permit in
case their adverse claims are decided in their favor, and the damages that the
Government or any third party may suffer or for which the Government may
be held liable as a consequence of the issuance of the temporary permit;

Now, therefore, if the said Principal,
shall well and truly perform and fulfill all the undertakings, covenants, terms,
conditions, and agreements stipulated in the said temporary permit, and no damages
shall have been suffered by the Government, adverse claimants and/or any third
party, then this obligation shall be null and void; otherwise, this bond shall remain
in full force and effect, and the liability of the Principal and the Surety shall not
expire until the Government orders the cancellation of this bond.

In witness whereof, we have set our hands and signed our names on this
day of, 19....

By:
Surety

By:
Principal

President

President

Signed in the Presence of:

Approved:

Director of Mines

B.M. FORM No. MRD 9

APPENDIX "L"

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF NATURAL RESOURCES
BUREAU OF MINES
MANILA

MTPA/QTPA No. MTP/QTP No.
Date Filed:, 19... Date Issued:, 19...
Permittee: Minerals/Quarry Resources
Address: Quantity:

MINES/QUARRY TEMPORARY PERMIT TO EXTRACT AND DISPOSE OF
MINERALS/QUARRY RESOURCES FOR COMMERCIAL PURPOSES

Whereas, on, 19...,
filed in this Office an application for a temporary permit to extract and dispose
of minerals/quarry resources for commercial purposes
from the (Mining/Quarry) claim/s herein named and situated—

Name of Claim/s
Date Registered
Sitio/s of
Barrio/s of
Municipality of
Province of
Island of
more particularly described in metes and bounds, to wit:

(TECHNICAL DESCRIPTION)

Whereas, the applicant has a pending application MLA/QTPA No.
filed on, 19..., which appears to be *prima*
facie well-founded;

Wherefore, this Mines/Quarry Temporary Permit to extract and dispose of
minerals/quarry resources, namely:
for commercial purposes from the claims above-described, is hereby granted to:

Name:

Address:

subject to the provisions of Presidential Decree No. 463, otherwise known as
the "Mineral Resources Development Decree of 1974", Commonwealth Act No. 137,
as amended, and the implementing rules and regulations, and the following terms
and conditions;

1. That a surety bond in the amount of P....., was posted in the Bureau
of Mines by the Permittee, as Principal, and the as Surety, in
favor of the Republic of the Philippines to answer for and guarantee the faithful
compliance with provisions of Commonwealth Act No. 137, as amended, Presiden-

tial Decree No. 463 and the rules and regulations promulgated thereunder and the terms and conditions of this Temporary Permit, the damages which adverse claimants may suffer as a consequence of this temporary permit in case their adverse claims are decided in their favor, and the damages which the Government and/or third parties may be held liable as a consequence of the issuance of this Temporary Permit;

2. The liability of the bond shall not expire until the Director of Mines orders its cancellation;

3. That, in case the permittee is a corporation or partnership, it has filed the necessary papers evidencing the authority of the President or its General Manager, as the case may be or any person duly designated to execute, sign and file the surety bond;

4. The total quantity of
(minerals/quarry resources) authorized to be extracted and disposed of under, and during the term of this Temporary Permit shall not exceed

5. The Permittee shall, within ten (10) days after the end of each month, furnish by registered mail forthwith the Director of Mines monthly production reports in the prescribed form, copy of which shall be furnished the Treasurer of the Municipality where the claim/s are situated and under operation;

6. The Director of Mines or his duly authorized representative may, at any time during the effectivity of this Permit, inspect the mining operations and books of accounts of the Permittee and in his discretion, either suspend or revoke this Temporary Permit to protect the interests of the Government, adverse claimants, and/or third parties that may be affected thereby;

7. The Permittee shall likewise furnish the Bureau of Mines with a certified copy of any contract he has already entered into immediately upon the signing thereof, or any contract which he may enter in the future, relative to the development, exploitation, disposition and utilization of the above-mentioned mining/quarry claims or the minerals/quarry resources therein;

8. The statements made in the application or made later in support thereof, shall be considered as conditions and essential part of this permit;

9. The minerals/quarry resources to be extracted during the period of this Temporary Permit shall be subject to the payment of royalties as provided for in the National Internal Revenue Code, as amended, which shall be due and payable upon the removal of the minerals/quarry resources from the locality where mined, unless otherwise allowed by the Commissioner of Internal Revenue as to the manner of payment;

10. That the term of this Temporary Permit shall be for one (1) year from date of issuance hereof, renewable once only for a like period by the Director of Mines, upon proper application by the applicant prior to the expiration of the term thereof: *Provided*, That the Permittee has complied with the terms and conditions of this permit;

11. Before the subject minerals are removed from the mines/quarry, the Commissioner of Internal Revenue or his duly authorized representative shall first be duly notified thereof;

12. Where the amount of tax, rental or royalty provided for by Presidential Decree No. 463, the National Internal Revenue Code, and the rules and regulations promulgated thereunder or by the terms and conditions of this Temporary Permit is not paid on due date, there shall be collected as part of the amount due, a surcharge of three *per centum* (3%) thereof per month from due date until paid, such surcharge to accrue to the Mines Special Fund;

13. The Director of Mines may at any time cancel or revoke this Temporary Permit for violation of any of its provisions and of existing laws and regulations without any responsibility on the part of the Government as to expenditures for development work or for exploitation purposes that might have been incurred or as to other damages that might have been suffered by the Permittee pending the processing of the corresponding application for lease;

14. This Temporary Permit shall be for the exclusive use and benefit of the Permittee and not, directly or indirectly, for the benefit of any other persons whether natural or juridical, and that the lands covered by this Permit shall be used for the purpose only of mining the minerals/quarry resources herein authorized and for no other purposes;

15. This Temporary Permit cannot be assigned or sublet;

16. The Permittee shall not interfere with or offer any objection to the Secretary of Natural Resources and/or the Director of Mines, or any of their representatives, to enter the subject claim/s to conduct thereon the necessary investigation and inspection of the premises as may be deemed proper and necessary;

17. The Permittee shall comply with the provisions of Presidential Decree No. 463, and/or Commonwealth Act No. 137, as amended, the rules and regulations promulgated thereunder and with the terms and conditions of this Temporary Permit, including those referring to the policing and sanitation of mines, easements, drainage, disposal of wastes and tailings, water rights, right-of-way, right of government survey and inspections, and other means necessary to their economic utilization as well as for the purpose of insuring the exercise of reasonable diligence, skill and care in the mining operations on the lands covered by this Temporary Permit;

18. This Temporary Permit is made subject to the easements of coast police and other easements reserved by the Law of Waters now in force in the Philippines, and to the provisions of Sections 56, 57 and 58 of Chapter XI, 61 & 62 of Chapter XII, and to the penal provisions of Section 75 to 89 of Chapter XIV and Section 91 of Chapter XV of Presidential Decree No. 463, and to any law or laws now existing or which may hereafter be enacted and to all easements and other rights acquired by owners of adjacent lands and those bordering upon the foreshore or marshy lands.

Manila, Philippines,, 19.....

For the REPUBLIC OF THE PHILIPPINES
(Grantor)

By:

Director of Mines

Attested:

(Legal Division)

I hereby accept the terms and conditions of this Mines Temporary Permit as above stated.

(Permittee)

TAN:

Signed in the Presence of:

.....

B.M. FORM No. MRD 11

Appendix "M"

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF NATURAL RESOURCES
BUREAU OF MINES
MANILA

MINING LEASE CONTRACT

MINING LEASE CONTRACT NO.

Date Granted:

Lessee:

Address:

Name of Claim/s:

.....
.....
.....

Location of Claim/s:

.....
.....
.....

MLA No. MRD—

MLC No. MRD—

Date Filed:, 19..... Date Granted:, 19.....

Area hectares

Term of Lease: years

MINING LEASE CONTRACT

Whereas, an application for a Mining Lease Contract has been filed on
....., 19.... with the Director of Mines under and pursuant to Presi-
dential Decree No. 463 and the rules and regulations promulgated thereunder

By:

Address:

covering mineral lands situated in
containing (minerals):

Whereas, the applicant has been found to possess satisfactory financial resources
and technical competence to be qualified under said Presidential Decree to be granted
a mining lease;

Whereas, the Director of Mines has caused as required by law the publication of
the notice of application to lease the mineral land applied for; and

Whereas, there being no pending or subsisting adverse claim against the aforesaid
Mining Lease Application, this Lease is now in order;

Wherefore, this Mining Lease Contract made and entered into this
day of, 19....., by and between:

THE REPUBLIC OF THE PHILIPPINES, represented by the SECRETARY OF NATURAL
RESOURCES:

Honorable as the LESSOR, and
as the LESSEE,

and more specifically described with regard to boundary lines, corners, topographic features, relative position, and metes and bounds in Mineral Land Survey Plan No.

and technical descriptions thereof, attached to and made as integral part of the application.

2. To have and to hold the said described premises unto the said LESSEE for the full term of the lease for () years from and including the date of this Mining Lease Contract, renewable under such terms and conditions as may be provided for by law and the regulations at the time of the renewal.

3. The LESSEE shall pay for the privilege of exploring, developing, mining, extracting and disposing of all the mineral deposits on and underneath the lands covered by this lease, an annual rental per hectare or fraction thereof pursuant to the National Internal Revenue Code (Commonwealth Act No. 466, as amended), the first annual rental to be due and payable in advance on the date of the granting of the Lease and at the same time every year thereafter during the life of the Lease or any renewal thereof, and a royalty pursuant to the provisions of said Act.

4. In case mining is carried on within private lands the LESSEE shall indemnify the private landowner of the actual damages caused by the mining operation as well as the reasonable rentals for the use of the said premises, all rentals to be due and payable pursuant to existing laws, decrees and regulations.

5. The LESSEE shall pay real estate tax on all buildings and other improvements built on the land leased at the rate and in the manner all other real estate taxes are paid under the Assessment Law (Commonwealth Act 470, as amended).

6. The rentals, royalties and taxes required to be paid on mining claims and minerals shall be payable in accordance with the provisions of Presidential Decree No. 463 and other laws existing at the time of the execution of this Lease Contract and/or in accordance with whatever rates of rentals, royalties and taxes that may be prescribed by law hereafter. Within thirty (30) days from the date of the payment of the rentals or royalties due on any mining lease or minerals extracted, therefrom, the LESSEE shall submit to the Director copies of receipt of such payment and the names of the mining claims, lease number and the names of persons, partnerships or corporations for which such payment has been made. Failure to submit copies of such receipt information or document shall be deemed as non-payment of same and may cause the cancellation of the lease contract.

7. Failure to pay the required annual rentals or royalties, taxes and fees for a period of thirty

(30) days after demand, or for two (2) consecutive years without such demand, shall cause this Lease to lapse and the mining claim or claims, with respect to which such failure to pay was made, shall thereupon be open to relocation and lease by other persons qualified to locate and lease mining claims under the provisions of Presidential Decree No. 463, in the same manner as if no location and lease of the same had ever been made, unless the LESSEE, his heirs, executors, administrators, assigns, or legal representatives shall have paid all such annual rentals, royalties, taxes and fees due and have resumed work on the mining claim or claims after such failure and before such relocation: *Provided*, That no person who may be delinquent in the payment of any rentals, royalties, taxes or fees on any mining claim or claims held under this Lease may directly or indirectly relocate the same or any portion thereof; and *Provided, further*, That nothing herein contained shall preclude the Government from collecting any rental, royalties, taxes or fees, together with the corresponding interests and surcharges, that may be due. Failure to pay real estate tax required under paragraph 5 hereof, shall subject the LESSEE to the same liabilities as provided for in Commonwealth Act No. 470.

8. The LESSEE hereby waives all rights to notice or demand provided for in Section 2, Rule 70, of the Rules of Court of the Philippines as well as all other periods of grace for payment of royalties and rentals. The LESSEE hereby further waives any right to any reduction of rent on account of any loss or damage suffered by reason of extraordinary unforeseen fortuitous events.

9. A mining lease contract shall grant to the LESSEE, his heirs, successors, and assigns the right to extract all mineral deposits found on or underneath the surface of his mining claims covered by the lease, continued vertically downward; to remove, process, and otherwise utilize the mineral deposits for his own benefit; and to use the lands covered by the lease for the purpose or purposes specified therein.

10. It is specially covenanted and agreed that the lands covered by this Lease shall be used for mining purposes only and for the exclusive benefit of the LESSEE, but should the LESSEE use or attempt to use the premises or permits them to be used for purposes other than for mining, or directly or indirectly for the benefit of any other person or entity not qualified to acquire a mining lease, then and in this event this Lease shall at once terminate, and all the rights and interest in said Lease shall be forfeited, and all improvements made by the LESSEE in the premises shall vest in and become the property of the Republic of the Philippines, unless the LESSOR shall find sufficient cause to waive the rescission and forfeiture arising from a violation of the conditions herein prescribed.

11. This Lease is made subject to the easements of the coast police and other easements provided for by the provisions of Articles 502 to 518 Chapter I, Title IV of the Civil Code of the Philippines, and to the provisions of Sections 56, 57, 58 and 59, Chapter XI, and to the penal provisions of Sections 75 to 89, inclusive, Chapter XIV, of Presidential Decree No. 463, and to any law or laws now existing or which may hereafter be enacted or decreed, and to all easements and other rights acquired by owners of adjacent lands and those bordering upon the foreshore or marshy lands. This Lease is likewise subject to the condition that the LESSOR may, for public interest or benefit, construct roads, trails, bridges, tunnels, canals, ditches, trenches, railroad, in or through the area covered by this Lease for use of the army, the public, or any branch or office of the Government of the Republic of the Philippines.

12. This Lease may be revoked at any time after due notice whenever deemed necessary or convenient for public purposes, i.e., shipping, navigation, etc., in the discretion of the President of the Philippines; and that during the life of the Lease, the public use of the shores and of the space of three (3) meters wide along the waterfront measured inshore from the high water mark and the salvage easement provided for by the Spanish Law of Waters of 1866 shall not be impaired.

13. The LESSOR reserves the right to grant or use such easement in, over, through, under, or upon lands so leased as may be necessary to the working of the same, or other mineral lands as well as the right to lease, sell, or otherwise dispose of the surface of the land embraced within this Lease under existing law or laws insofar as said surface is not necessary for use by the LESSEE in extracting and removing the mineral deposits from the land covered by this Lease or in beneficiation of the ores extracted therefrom, or from any other mining claim; or to issue such permits for easements herein provided to be reserved and to permit the use of the land covered by this Lease, as may be necessary for the construction and maintenance of mills, mining camps, or other works incident to the mining and milling operations on the lands covered by this Lease or on any other mineral lands.

14. The LESSEE shall perform annual work obligations on the claims covered by this Lease, the value of which shall not be less than P100.00 per hectare per calendar year, provided that in the case of a lease covering a group of two or more adjoining claims leased or held in common, the LESSEE may concentrate all the annual work obligations on any or more of several contiguous or geologically related mining claims in one province, if it can be shown to the Director of Mines

that each concentration of work will be most advantageous and beneficial in the development and operation of said mining claims: *Provided*, That any expenditure in any calendar year in excess of the minimum amount required for work obligations per hectare may be carried forward and credited to the work obligations of the group claims for the succeeding year or years: *Provided, further*, That, if the expenditure incurred for any claim is less than that required in any year, the difference shall be paid to the Bureau of Mines which shall accrue to its Mines Special Funds. The LESSEE shall submit proof of compliance with the annual work obligations by filing a sworn statement with the Director of Mines or his duly designated deputy within sixty (60) days from the end of the year in which the work obligation is required, in the form prescribed for the purpose. Failure on the part of the LESSEE to file such proof of compliance for two (2) consecutive years shall cause the forfeiture of all rights to the mining claims covered by this Lease.

15. The LESSEE shall not sublet the whole or any part of the premises covered by this Lease, nor assign this Lease without permission in writing of the LESSOR, first had and obtained; in this case, only to persons, partnerships or corporations having the qualifications required of LESSEES under existing laws.

16. The LESSEE fully understands and agrees that the land herein described is leased and demised subject to the provisions of the Mineral Resources Development Decree of 1974 (Presidential Decree No. 463), National Internal Revenue Code (Commonwealth Act No. 466, as amended), and Assessment Law (Commonwealth Act No. 470 as amended), and shall comply with the provisions of the said laws, as well as with those that may hereafter be enacted and decreed, and the rules and regulations promulgated including the policing and sanitation of mines, pollution control, easements, drainage, disposal of waste and tailings, water-rights, rights-of-ways, right of government survey and inspection, the levying and collection of rentals, royalties and taxes, the protection of the interests of the Government and the promotion of the public welfare, and other necessary means to their economic utilization, as well as such rules for the purpose of insuring the exercise of reasonable diligence, skill and care in the mining operation, and prevention of undue waste on the land covered by this Lease, and shall particularly comply with the provisions of Section 91 of Presidential Decree No. 463.

17. The LESSEE fully understands and agrees to submit to the Director of Mines within fifteen (15) days after the end of each calendar month a report under oath of the production of the previous month showing the different kinds of ores

and minerals extracted, the quantities thereof shipped, the amount stockpiled after the shipment, the name of the mining claim/s from where taken, and a full and complete statement of the work done on or underground in the area covered by this Lease, and such other information required in the prescribed form. The LESSEE is required to submit a report whether or not there is production for a given period.

18. Whenever the LESSEE fails to comply with any provision of Presidential Decree No. 463, and Commonwealth Acts Nos. 466 and 470, both as amended, and the rules and regulations promulgated thereunder, or any of the covenants herein, the LESSOR may declare this Lease canceled and, after having given thirty (30) days' notice in writing to the LESSEE, may enter and take possession of said premises, and said LESSEE shall be liable for all unpaid rentals, royalties and taxes due the Government on the lease up to the time of the forfeiture or cancellation, in which event, the LESSEE hereby covenants and agrees to give up the possession of the property leased.

19. The LESSEE may, at any time during the life of this Lease, apply for the cancellation of the same, and surrender the property leased whenever, because of *force majeure*, or for other cause, it is impossible to continue profitable mining operations thereon, and thereupon said LESSEE shall pay all rentals, royalties and taxes then due, including payments corresponding to the unexpired period of the current year of the Lease. Upon the termination of this Lease or of any extension thereof, any property of the LESSEE not removed from the premises within one year thereafter shall become the property of the LESSOR.

20. The statements made in the application for this Lease shall be considered as essential conditions and parts of this Lease and any false statement or omission of facts in said application, if known or if truly or completely stated at the time of the filing of said application would have caused the denial of the same, shall give a right to the LESSOR to rescind this contract and to forfeit all amounts already paid and the improvements made or existing on the area covered by this Lease.

21. The covenants, provisions, clauses, and conditions of this Lease shall extend to and be binding upon the successor or successors of the LESSOR, and to and upon the successors, executors, administrators, legal representatives, and assigns of the LESSEE and they are hereby legally bound.

22. This Lease shall terminate and expire on the day of, 19....., unless renewed or sooner terminated under the provisions hereof, and no presumption of renewal or continuance beyond that day can arise, the LESSEE

hereby waiving all rights in this respect of implied renewal conferred by Article 1670 of the Civil Code of the Philippines.

23. If, for any reason this Lease is terminated or cancelled, the LESSEE shall deliver to the Director of Mines for file the official copy or copies of this contract which the LESSEE may have.

24. The Director of Mines shall be notified in writing by the LESSEE of any change of address as long as this Lease is in force. Failure to receive any notices to be made by reason of any change of address shall be deemed as waiver of such notice.

In witness whereof, these presents are hereunder signed and sealed for the LESSOR, by the Secretary of Natural Resources, upon the recommendation of the Director of Mines, and for the

LESSEE, by,

in the City of Manila, Philippines, this day

of, 19.....,

FOR THE REPUBLIC OF THE PHILIPPINES, LESSOR
Secretary of Natural Resources

Recommended By:

LESSEE

Director of Mines

By:

TAN

Signed in the Presence of:

.....

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES } S.S.
.....

Before me appeared
exhibiting to me his Residence Certificate No. A-, issued at,
on, 19.....,

known to me and to me known to be the same person who executed the foregoing document, and acknowledged to me that the same is his free and voluntary act and deed (As President or Manager of,

for and in its behalf), as LESSEE, and for the purposes therein specified. The said instrument, consisting of *Eight* pages, including the page on which this acknowledgment is written, is a Mining Lease Contract covering certain mining claim/s described therein, and is signed by the LESSEE

and his two witnesses on the left hand margin of each and every page thereof.

Wherefore, I have hereunto set my hand and affixed my notarial seal this..... day of, 19....., in

.....
Notary Public

My Commission expires on

December 31, 19.....,

P.T.R. No.

Dated, 19.....

Place of Issue

Affix a P3.00 doc.
stamp & P3.00 science
stamp.

Doc. No.:

Page No.:

Book No.:

Series of

BM FORM MRD No. 20

APPENDIX "N"

.....
(Name of Lessee)

STATEMENT OF EXPENDITURES

For the mining/lease/patentable claim No./s

For the Calendar Year

(1) MACHINERY & EQUIPMENT:

Depreciation of:

A) Drilling Equipment	—P.....	
B) Field Motor Vehicles	—	
C) Field Equipment	—	
D) Other Transportation Equip- ment	—	P.....

(2) STAFF HOUSES:

Depreciation of:

A) Staff Houses	—P.....	P.....
-----------------	---------	--------

(3) ROADWAYS:

A) Maintenance & Repairs	—P.....	P.....
--------------------------	---------	--------

(4) TOPOGRAPHIC SURVEY:

A) Salaries of Geodetic Engineers	—	
B) Living Expenses of Geodetic Engineers	—	
C) Travel Expenses to and from Field	—	
D) Travel Expenses in Field Area	—	
E) Lump Sum for Laborers	—	P.....

(5) GEOLOGICAL SURVEY AND/OR MINING EXPLORATION:

A) Salaries of Geologists/Mining Engineers	—P.....
---	---------

B) Living Expenses of Geologists/ Mining Engineers	—	.....
C) Travel Expenses to and from Field	—	.....
D) Travel Expenses in field Area	—	.....
E) Lumps Sum for Laborers	—	.....	P.....
(6) GEOPHYSICAL SURVEY:			
A) Cost of Land Gravity Survey	—P	.....
B) Cost of Aeromagnetic Survey	—	.....
C) Cost of Land Magnetometer Survey	—	.....
D) Cost of Seismic Survey	—	.....
E) Cost of other Geophysical Sur- veys	—	.....	P.....
(7) DRILLING:			
A) Salaries, Wages of Personnel (to be classified)	—P	.....
B) Materials (to be classified)	—	.....
C) Supplies (to be classified)	—	.....	P.....
(8) MAPS & AIR PHOTOS:			
A) Cost of Maps	—P	.....
B) Cost of Airphotos	—	.....	P.....
(9) SUPPLIES			
A) Gasoline & Oil of Field Vehicles	—P	.....
B) Field Supplies	—	.....	P.....
(10) MISCELLANEOUS:			
A) Geochemical Analysis	—P	.....
B) Other Laboratory Expenses	—	.....
C) Medical Expenses of Field men	—	.....
D) Maintenance of Field Vehicles	—	.....	P.....
Total Expenditures			P.....

Certified Correct:

.....
(Lessee/Agent)

AUDITOR'S CERTIFICATE

In accordance with the generally accepted auditing standards, we/I have examined the statement of expenditures, together with the supporting accounting records and documents therefor, incurred on mining/lease/patentable claim No. (s) for the calendar year and have found that the same reflects fairly the exploration expenses incurred in the direct prosecution of exploration work obligation on said mining/lease/patentable claim/s as required by Section 24 of the Mineral Resources Development Decree of 1974 (Presidential Decree No. 463) and as carried in the books of accounts of the lessee.

.....
Certified Public Accountant
Certificate No.
P.T.R. No.
Dated
T.A.N.

B.M. Form No. MRD-2

APPENDIX "O"

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF NATURAL RESOURCES
BUREAU OF MINES
MANILA

Quarry Application No. Quarry Permit/License No.
Date Filed Date Issued
Location Material(s)

APPLICATION FOR QUARRY PERMIT/LICENSE

1. APPLICANT.

(a) Name
(b) Address and/or principal office of business

in accordance with the provisions of Presidential Decree No. 463 otherwise known as the "Mineral Resources Development Decree of 1974" and the rules and regulations promulgated thereunder, hereby applies for a quarry permit/license covering a tract of mineral land containing materials and situated in the Municipality of, Province of,
Island of, Philippines, and more particularly bounded as follows:

On the North
On the East
On the South
On the West
with an approximate area of hectares.

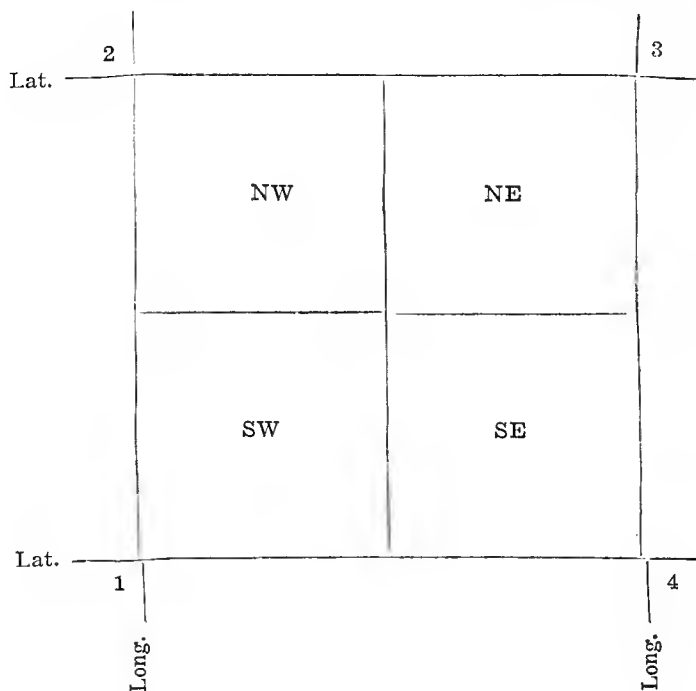
2. The area covered by this application is shown on the sketch drawn at the back hereof.
3. The applicant agrees to have the land covered by this application surveyed and to comply with the other requirements of Presidential Decree No. 463 and the implementing rules and regulations of the Bureau of Mines.
4. On this date, the applicant has not acquired quarry permits or licenses covering areas of more than 100 hectares in any one province nor more than 1,000 hectares in the entire Philippines.
5. The applicant agrees to indemnify the owners or legal occupants of private lands for all material damage that may be suffered by the property, its annexes or appurtenances as a result of the mining operations conducted thereon, and to secure the agreement of said owners or legal occupants for the right of easements or temporary occupancy over the said lands covered by this application.

(Here draw a sketch of the area covered by this application)

Meridional Block

BCGS Map No. Quadrant

(1:250,000)—Shade or color area applied for.



6. Applicant binds himself to submit the following within thirty (30) days from date of filing thereof. Failure to do so shall invalidate this application.
 - a) Written permission to apply, duly acknowledged before a notary public by the husband, in case the applicant is a married woman.
 - b) A certified copy of the Articles of Partnership or Incorporation, and By-Laws in case of corporation.
 - c) Financing agreement, if any, the applicant has with any other person or entity.
 - d) An affidavit as shown on the last page of this application, properly accomplished by the Treasurer thereof if the applicant is a corporation; and latest financial statement.
7. This application is filed for the exclusive use and benefit of the applicant and not either directly or indirectly for the benefit of any unqualified person, corporation, or partnership, and the land is applied for in good faith for the sole purpose of quarry development and operation, and not for speculation.
8. Applicant agrees and acknowledges that the license/permit that may be issued pursuant to this application may be cancelled or revoked for violation of Presidential Decree No. 463 and the implementing rules and regulations promulgated thereunder, and the specific obligations of the permittee/licensee and hereby waives any notice of such default.
9. The foregoing statements are hereby certified to be true to the best of the applicant's knowledge and belief. The applicant agrees that the statements made in this application or those that will be made later in support hereof, shall be considered as conditions and essential parts of the permit/license that may be

granted by virtue hereof, and any falsehood in any of the said statements or any omission of facts which may alter, change or affect substantially the fact set forth in said statements shall be sufficient cause for the cancellation of the right that may be granted.

10. The application fee of ₱..... has been paid under Official Receipt No. dated

....., 19....,, Philippines.

.....
Applicant

P. O. Address

By:

.....
Attorney-in-fact

WITNESSES

.....
Signature

.....
Signature

.....
Print Name

.....
Print Name

.....
Address

.....
Address

REPUBLIC OF THE PHILIPPINES }
PROVINCE OF } S. S.
MUNICIPALITY OF

I,, the person executing this affidavit for this application, being first duly sworn, depose and say: that I have read or have caused the foregoing application read to me; that I thoroughly understand the same; that each and every statement in said application is true and correct; and that I signed said application and this affidavit in the presence of two witnesses and the officer who administered this oath.

.....
Affiant

TAN No.

Subscribed and sworn to before me, at the place aforesaid, on this day of, 19.... The affiant exhibited to me his Residence Certificate No. issued at, on the day of, 19...., which shows him to be years of age, and a native of

.....
Notary Public
My Commission expires December 31, 19....

PTR No.

Doc. No.
Page No.
Book No.
Series of

INSTRUCTIONS

This application should be accomplished in quintuplicate, two (2) duplicate copies to be retained by the applicant, and the original and another duplicate copy to the files of the Mining Recorder and the other copy to be given to the Manila Office.

All pertinent information required shall be given, and inapplicable words cancelled.

Application not properly accomplished shall not be accepted.

B.M. Form No. MRD 7

APPENDIX "P"

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF NATURAL RESOURCES
BUREAU OF MINES
MANILA

MINES REGIONAL OFFICE No.

QUARRY PERMIT/LICENSE No.

Date, 19.....

PERMITTEE/LICENSEE

Address

An application for quarry permit/license to extract and dispose of quarry resources (.....) situated in the sitio of, barrio of, municipality of, province of, island of, and more or less described and bounded as follows, to wit:

N

S

E

W

Containing an area of has, and more specifically described in Quarry Resources Survey Plan No. and T.D. thereof attached to and made as an integral part of this Permit, having been filed in this Office pursuant to Presidential Decree No. 463 dated May 17, 1974 and the rules and regulations promulgated thereunder, by on, 19....., this quarry permit/license No. is hereby granted to, subject to the terms and conditions herein stated, to wit:

1. This permit/license is for a period of Five (5) years from, 19..... to, 19....., inclusive, renewable for one or more terms but in no case shall the total exceed Twenty-Five (25) years; *Provided*, That the application for renewal shall be filed before the expiry date thereof, and that the permittee/licensee has complied with the provisions of Presidential Decree No. 463 and the rules and regulations promulgated thereunder, and the terms and conditions of this permit/license;

2. This permit/license is issued for and in consideration of the quarry fee of Fifty Pesos (P50.00)

per hectare per year or a total of pesos (P), paid in advance to the Director of Mines or to the Mines Regional Officer concerned, or his duly authorized collecting officer under Official Receipt No. dated, 19....., for the Five (5) year term covered by this permit/license;

3. The permittee/licensee shall pay to the Government a royalty of two *per centum* (2%) of the actual market value of the gross output of the quarry resources extracted from the area of his permit/license. Failure to pay the said royalty and taxes due the Government for two (2) consecutive years shall cause the cancellation of the permit/license and the area covered thereby shall revert to its former status as if this permit/license has not been issued;

4. The royalties shall be due and payable upon the removal of the quarry resources extracted from the area embraced by his permit/license, pursuant to the provisions of the National Internal Revenue Code, as amended;

5. That before the removal or disposition of the quarry resources from the area covered by the quarry claim, the Commissioner of Internal Revenue or his duly authorized representative shall first be duly notified thereof;

6. Where the fee, tax, or royalty provided in Presidential Decree No. 463 is not paid on due date, there shall be collected as part of the amount due, a surcharge of three *per centum* (3%) thereof per month from due date until paid, such surcharges to accrue to the Mines Special Fund;

7. This permit/license may be revoked or cancelled at any time by the Director of Mines when, in his opinion public interests so require or upon failure of the permittee/licensee to comply with the provisions of Presidential Decree No. 463 and the rules and regulations promulgated thereunder, as well as with the terms and conditions specified herein; *Provided*, That if a permit/license is cancelled, or otherwise terminated, the permittee/licensee shall be liable for all unpaid rentals and royalties due up to the time of the termination or cancellation of the permit/license;

8. The removal or taking of quarry resources under this permit/license shall be confined within the area specified herein, the boundaries of which according to the application have been established according to survey rules and regulations. This permit shall exclude areas closed to mining

location as provided in Sec 13 of Presidential Decree No. 463;

9. The permittee/licensee shall assume full responsibility relative to his operations, and all liabilities for any damage or damages to private and/or public property that may be occasioned by his extraction or operation under this permit/license;

10. This permit/license is issued for the exclusive use and benefit of the permittee/licensee and shall not be transferred to any person, partnership or corporation without prior approval of the Director of Mines;

11. The permittee/licensee or his agent or representative shall have this permit/license at the place where the extraction and removal of quarry resources is made, available at all times for inspection or examination by representatives of the Secretary of Natural Resources or the Director of Mines;

12. The permittee/licensee shall keep a book or books of accounts which shall be open at all times to inspection by the representatives of the Secretary of Natural Resources and/or the Director of Mines, wherein there shall be entered every day the quantity of quarry resources removed from the area covered by the permit/license, their selling prices, the names and addresses of the persons or parties to whom the same were sold or disposed of and other transactions in connection with the business. The refusal of the permittee/licensee to allow the authorities concerned to inspect the same, without justifiable reason shall be sufficient ground for the cancellation of the permit/license;

13. The permittee/licensee shall submit to the Director of Mines or his deputies within thirty (30) days after the end of every calendar quarter a sworn report in duplicate of the quantity of quarry resources removed or extracted, the amount of fees paid, the quantity sold or disposed of during the period covered by the report, their selling prices, the names and addresses of the persons to whom the same were sold, together with a copy or copies of the bills of lading and invoices evidencing the sale, the settlement papers from the buyer showing therein the final basis of payment upon liquidation of the particular shipment and the quantity of quarry resources left in stock pile. Failure to comply with these requirements shall be deemed as non-payment of said royalties and is a cause for the cancellation of the permit/license;

14. The permittee/licensee may be required by the Director of Mines or his deputies to file a sworn statement on the quantity of quarry resources removed either while this permit is still in force or after its expiration, termination or cancellation;

15. That the permittee/licensee binds himself or itself to comply with the provisions of Presidential Decree No. 463 and the rules and regulations pro-

mulgated thereunder, including those referring to the safe operation and sanitary upkeep of the area covered by this permit/license as well as pollution control laws and regulations;

16. That the statements made in the application or made later in support thereof, shall be considered as conditions and essential parts of this permit/license that may be issued by virtue of the application, and any falsehood in those statements or omission of facts which may alter, change, or affect, substantially the facts set forth in said statements may cause the cancellation of this permit/license;

17. Upon the termination of this permit/license, the same shall be surrendered immediately to the issuing officer.

Manila, Philippines, _____, 19

For the REPUBLIC OF THE PHILIPPINES
Grantor

By

Signed in the Presence of:

I hereby accept the terms and conditions of this permit/license as above stated.

Signed in the Presence of:

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES } S.S.

Before me appeared _____, exhibiting to me his Residence Certificate No. _____, issued at _____, on the _____ day of _____, 19 _____, known to me and to me known to be the one who executed the foregoing document, and acknowledged to me that he executed the said instrument freely and voluntarily for and in behalf of the Republic of the Philippines, as GRANTOR, and for the purposes therein specified. The said instrument, consisting of _____ sheets of _____ pages, including this acknowledgment page, is a Quarry Resources Permit/License to extract and dispose of _____ for commercial purposes from the _____ claims therein mentioned.

WHEREFORE, I have hereunto set my hand and affixed my notarial seal this day of
 _____, 19 _____, in _____

REPUBLIC OF THE PHILIPPINES }

S. S.

Before me appeared,
 exhibiting to me his Residence Certificate No.
, issued at,
 on the day of,
 19, known to me and to me known to be the
 same person who executed this foregoing document,
 and acknowledged to me that the same is his free
 and voluntary act and deed as PERMITTEE/LI-
 CENSEE, and for the purposes therein specified.

The said instrument, consisting of sheets
 of pages, including this
 acknowledgment page, is a Quarry Resources Per-
 mit/License to extract and dispose of
 for commercial purposes from the
 claims therein mentioned.

WHEREFORE, I have hereunto set my hand and
 affixed my notarial seal this day
 of, 19, in

Notary Public

My Commission expires on December 31, 19_____.

Doc. No. _____:

Page No. _____:

Book No. _____:

Series of _____:

REPUBLIC OF THE PHILIPPINES
 DEPARTMENT OF NATURAL RESOURCES
 BUREAU OF MINES
 MANILA

APPENDIX "Q"

BM Form No. MRD-21

APPLICATION FOR TAX EXEMPTION UNDER PRESIDENTIAL
 DECREE NO. 463

GENERAL DATA

1. Name of applicant
 - a) Name of President and/or Manager
 - b) Name of Authorized Representative
2. Office Address
3. Form of Business Organization
 (Single Proprietorship/Partnership/ Corporation)
 - a) Date Registered
 - b) Date Mine Started Operations
4. Lease Contract No. Date Granted
 Lease Contract No. Date Granted
 Lease Contract No. Date Granted
 a) Name of Claims Covered
- b) Location of Mine
 Province Municipality
 Barrio Sitio
5. Minerals or Mineral Products Produced (or to be produced)
6. Location of All Other Mines Operated by Applicant
 (Province, Municipality, Barrio, Sitio)
7. Is Applicant Enjoying Tax Exemption Under Other Laws? If "Yes",
 specify.
8. Number and Nationality Structure of Employment

Total Number ¹

Filipinos

Aliens

¹ Total number includes management personnel.

INVESTMENT DATA

I. CAPITALIZATION

1. Authorized Capital P.....
2. Subscribed Capital
3. Paid-up Capital
4. Citizenship of Stockholders and Percentage of Holdings:

	<i>Subscribed</i>	<i>Paid-up</i>
a) Filipino	%	%
b) American	%	%
c) Non-American alien	%	%

II. FIXED INVESTMENT

(Note: For firms in actual operation, the "BOOK VALUE" of fixed investment should be reported. For new projects, use best estimates and attach firm offers. Accrued depreciation is accomplished by operating firms only.)

A. Owned and Existing

<i>Items</i>	<i>Book Value</i>	<i>Accrued Depreciation</i>
1. Machinery & Equipment ¹	P.....	.....
2. Buildings
3. Land
4. Office equipment ¹
5. Furniture & Fixtures
6. Delivery Equipment ¹
7. Other Assets (Specify)
Total-P.....

B. To be Acquired

<i>Kind</i>	<i>Specifications¹</i>	<i>Cost²</i>
1. Machinery, spare parts & equipment and/or components ²	US\$.....
2. Buildings
3. Land
4. Office Equipment ²
5. Furniture & Fixtures ²
6. Delivery Equipment ²
7. Other Assets (Specify)

III. WORKING CAPITAL

(Note: Working capital is also referred to as "Circulation" or "Operating Capital". By BASIS OF COMPUTATION is meant the period covering the amount reported.)

<i>Item</i>	<i>Basis of Computation</i>	<i>Value</i>
.....	P.....
.....
.....
Total —P.....

IV. TOTAL OPERATING COST

A. Mining and milling cost	P.....
B. Selling expenses .....	.....
C. Administration, etc. ....	.....

¹ Submit schedule or list.

² Submit schedule or list; those to be acquired should be separated into "To be imported" and "To be locally produced" indicating detailed specifications and firm quotations from local and foreign sources.

³ Value in Dollars when imported.

V. BORROWED CAPITAL

A. From Local Sources

	Amount	Rate of Interest	Annual Interest
Loans	P.....%	P.....	
Bank Overdrafts .....	.....	.....	.....
Other Funds Borrowed .....	.....	.....	.....
Total	P.....%	P.....	

B. From Foreign Sources

	Amount	Rate of Interest	Annual Interest	Amount Remitted Abroad ¹
Loans	\$.....%	\$.....	\$.....	
Bank Overdrafts
Other Funds Borrowed

VI. RENTED FACILITIES

	Assessed Value	Annual Rent	Rental Payment Remitted Abroad ¹
1. Land	P.....	P.....	\$.....
2. Buildings .....	.....	.....	.....
3. Equipment locally constructed facilities .....	.....	.....	.....
4. Imported machinery and equipment ¹ .....	.....	.....	.....
5. Others .....	.....	.....	.....
Total	P.....	P.....	\$.....

(Mining Company)

By:

(President)

Subscribed and sworn to before me this day of, 19..., the Affiant exhibiting his/her Residence Certificate No., issued at, on the day of, 19....

(Notary Public)

Doc. No.
 Page No.
 Book No.
 Series of 19....

VII. OTHER DOCUMENTS REQUIRED

- A. Certified copy of lease contract(s) (or sublease contract(s) on mineral land in the name of the applicant;
- B. Certification under oath executed by the applicant that
 - (1) the mineral land has never been in commercial production on the date of filing of the application for tax exemption; or
 - (2) from which minerals had been extracted in commercial quantities prior to the date of filing of the application and has not resumed operation for the last five (5) years prior to the date of application;
- C. Certificate of registration with the Securities and Exchange Commission in case of a corporation or partnership;
- D. In the case of a company or corporation, an affidavit of the Secretary of said company or corporation on the citizenship of its stockholders and percentage of their holdings.

¹ Equivalent Peso value of Dollars remitted abroad.

BM Form No. MRD-22

APPENDIX "R"

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF NATURAL RESOURCES
BUREAU OF MINES
MANILA

GUIDELINES FOR A MINING PROJECT STUDY

(To support the application for tax exemption under Presidential Decree No. 463)

The project study is the consideration of all factors or conditions available to determine the profitability of the venture. The following must therefore be contained in the project study.

I. *Summary*

- A. Ores or minerals to be produced
- B. Market
- C. Planned capacity of mine and mill
- D. Estimated life of mine
- E. Location
- F. Volume of investment
- G. Production costs
- H. Employment: Number, nationality, positions and pay
- I. Profitability
- J. Sources of financing
- K. Relation of projects to national economy
- L. Others

II. *Economic Feasibility*

- A. Market Study:
 - 1) World demand and prices of product for the last 5 years
 - 2) Local demand and prices of product for the last 5 years
- B. Forecast of future prices
- C. Availability of raw materials, fuel and power and other service facilities
- D. Availability of competent technical and supervisory personnel.

III. *Details of Project*

- A. Location and accessibility of mineral property
- B. History of claims and mining activities
- C. Geologic setting: must show petrological environments, type and origin of deposit, persistency of orebody, geologic structures, type and grade of ore, and other geologic features.
- D. State of development. This must show the extent of exploration work as well as of development work; the quantity and grade of blocked or proven ore, prospective or geological reserves
- E. Plan of operations. This must indicate the planned capacity of the mine and mill; number of shifts per day; number of work-

ing days per year; flowsheet of mill; plan of marketing

F. List of equipment needed.

IV. *Financing Requirements*

A. Investments

1. Exploration costs (research, experiment, studies, etc.)
2. Fixed investments—mineral lands, lands, buildings, other improvements, machineries and equipment, transportation equipment and others
3. Engineering and administration costs during installation of buildings, machineries and equipment
4. Interests during installation and construction
5. Trial or test runs costs
6. Contingencies
7. Estimate of working capital
8. Detailed breakdown of fixed investment and working capital in peso and dollar components
9. Annexes: Copies of machinery, spare parts and equipment listings and specification, itemized freight costs, insurance, customs duties, fees and other taxes; copies of official or proforma price quotations; detailed list of personnel required and their technical qualifications; buildings and their distribution on the site; plant layout, other explanations, diagrams and data or possible changes, etc.

B. Details of mining and milling costs

C. Details of overhead costs

D. Details of marketing costs

E. Sources of financing

1. Equity capital: amount and nationality
2. Credits: their sources, terms and conditions and types of credit, form of payment, nature of interest, guarantees, etc.
3. Financing in peso and dollar currency
4. Table of sources and uses of funds.

V. *Employment*

- A. Number, nationality, positions and annual payroll (salaries and allowances)
- B. Detailed list of key personnel and their qualifications
- C. Personnel policies with respect to pay scales and allowances for local and foreign personnel
- D. Organization chart.

VI. *Economy Balance*

- A. Cost analysis
- B. Return on investment

VII. *Schedule of Project*

- A. Construction and installation
- B. Exploration, development and stopping operations
- C. Mill test runs
- D. Start of mill operations.

BM FORM No. MRD-23

APPENDIX "S"

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF NATURAL RESOURCES
BUREAU OF MINES
MANILA

CERTIFICATE OF QUALIFICATION FOR TAX
EXEMPTION
CQTE No.

TO WHOM IT MAY CONCERN:

BE IT KNOWN THAT—

Name of Grantee

who is operating mineral land(s) located in and classified as is awarded this Certificate of Qualification for Tax Exemption, under Presidential Decree No. 463, entitling it to exemption from the payment of all taxes, duties and fees, except income tax, starting from the exploration stage and ending five (5) years from the first date of actual commercial production of saleable mineral products, the said period being from, 19 to, 19

The machineries and equipment needed in the exploration, development, mining and milling operations that are to be exempted from the payment of customs duties, compensating tax, fees and other taxes are as follows:

The enjoyment of the tax exemption granted is subject to the faithful compliance with all the requisites, terms and conditions of duly prescribed rules, regulations and administrative orders.

085158—12

Given at, Philippines, this day of, 19

RECOMMENDED BY:

(Sgd.) JUANITO C. FERNANDEZ
Director of Mines

APPROVED BY:

(Sgd.) JOSE J. LEIDO, JR.
Secretary of Natural Resources

BM Form MRD No. 24

APPENDIX "T"

APPLICATION FOR EXPLORATION PERMIT

1. Name of Applicant or Company
Address: Tel. No.

2. Board of Directors and Officers:

.....
.....
.....

3. Capitalization:

Authorized— P
Subscribed— P
Paid-up — P

4. Citizenship of Stockholders and Percentage of Holdings:

	<i>Subscribed</i>	<i>Paid-up</i>
a) Filipino	%	%
b) American	%	%
c) Non-American alien	%	%

5. Name and Location of Reservation:

.....
.....

6. Prospecting Permit—(Submit copy)

7. Minerals Discovered—(Submit evidence of discovery)

8. Area to be explored—(Indicate on Map 1:50,000); submit technical description of area defined by actual survey.

9. Work program for two (2) years.

(Fill up attached form)

Signature of applicant

....., 19

Date

PROGRAM OF WORK

(To be filled with the Application for Exploration Permit)

A. *Capital available* (any one of the four).

Credit line
 Cash
 Fixed Deposit
 Equipment

B. *Name of person or firm to manage the mining operations:*

Educational attainment:
 Training and experience:
 Duration of employment with applicant:

C. *Schedule of Activities:*

Geological Investigation in hectares (geophysical, geochemical, reconnaissance, detail, etc.)	No. & footage of test pits, trenches, drill holes, tunnels or adits to be excavated, and others	Area in hectares to be explored; ore reserve expected to be proved	Feet of roads trails or civil works to be cons- tructed	No. of workers to be employed	Estimated cost
1st Yr.					
2nd "					

Mining Engineer

Prof. Tax No.

Date

Issued at

BM FORM No. MRD 25

APPENDIX "U"

REPUBLIC OF THE PHILIPPINES
 DEPARTMENT OF NATURAL RESOURCES
 BUREAU OF MINES
 MANILA
 PERMIT TO EXPLORE

Permit No.

Date

(Permittee)

(Address)

An application for a permit to explore inside
 Reservation situated in Province of
 in an area more particularly described as follows, to wit:

having been filed in the Bureau of Mines by
 on, 19..., is hereby granted to
 in accordance with Mines Administrative Order V-39, s. 1970, subject to the fol-
 lowing terms and conditions:

1. That the permittee shall abide by the Work Program submitted with the application or statements made later in support thereof, and which shall be considered as conditions and essential parts of this permit;

2. That permittee shall maintain a complete record of all activities and accounting of all expenditures incurred therein subject to periodic inspection and verification at reasonable intervals by the Bureau of Mines at the expense of the applicant;

3. That the permittee shall submit to the Director of Mines within 15 days after the end of each calendar quarter a report under oath of a full and complete statement of the work done in the area covered by the permit;

4. That the term of this permit shall be for two (2) years to be effective from this date, renewable for another year at the discretion of the Director of Mines and upon request of the applicant;

5. That the Director of Mines may at any time cancel this permit for violation of its provisions or in case of trouble or breach of peace arising in the area subject hereof by reason of conflicting interest without any responsibility on the part of the government as to expenditures for exploration that might have been incurred, or as to other damages that might have been suffered by the permittee; and

6. That this permit shall be for the exclusive use and benefit of the permittee or his duly authorized agents and shall be used for mineral exploration purposes only and for no other purpose.

Manila, Philippines, _____, 19....

Director of Mines

I hereby accept the terms and conditions of this permit as above stated.

Permittee

Signed in the presence of:

BM FORM No. MRD-26

APPENDIX "V"

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF NATURAL RESOURCES
BUREAU OF MINES
MANILA

APPLICATION TO AVAIL OF THE RIGHTS AND PRIVILEGES
GRANTED BY PRESIDENTIAL DECREE NO. 463, PURSUANT
TO SECTION 100 THEREOF

The Director of Mines
Manila

Sir:

Pursuant to, and in accordance with, the transitory provisions of Presidential Decree No. 463, promulgated on May 17, 1974, and the rules and regulations promulgated thereunder, the applicant, duly qualified to hold mining claims and other mining rights, hereby gives notice and files this application under Section 100 to avail of the rights and privileges granted under the aforesaid Decree to holders of valid and subsisting mining grants, patents, locations, leases, permits and other mining rights as per *attached list thereof*, and *pertinent documents* establishing said rights.

In this connection, the applicant states that:

1. The subject mining claims and/or rights were valid and subsisting at the time of the approval of Presidential Decree No. 463 on May 17, 1974.
2. He is qualified to hold mining rights under Presidential Decree No. 463.
3. All the fees and taxes due thereon have been paid.

4. The claims under Spanish Royal Grants and unpatented mining claims registered under the Act of Congress of July 1, 1902, if any, have been applied for survey within one (1) year from the promulgation of the Decree.
5. There is no failure to comply with the fundamental requirements of the respective grants.
6. If this application is approved, applicant shall comply with the applicable provisions of the Decree and the pertinent rules and regulations.

Very truly yours,

.....
Applicant

TAN

BY:

TAN

Subscribed and sworn to before me this day of, 19....,
affiant exhibiting to me his Residence Certificate No. A-..... issued at
..... on

.....
Notary Public

Until December 31, 19....

PTR No.

Doc. No.

Page No.

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Series of 19

BM FORM No. MRD-27

APPENDIX "W"

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF NATURAL RESOURCES
BUREAU OF MINES
MANILA

APPLICATION FOR RECOGNITION OF MINING RIGHTS ACQUIRED UNDER
PREVIOUS MINING LAWS, PURSUANT TO SECTION 101 OF PRESIDENTIAL
DECREE NO. 463.

The Director of Mines
Manila

Sir:

Pursuant to, and in accordance with, the transitory provisions of Presidential Decree No. 463, promulgated on May 17, 1974, and the rules and regulations issued thereunder, the applicant, duly qualified to hold mining claims and other mining rights, hereby gives notice and files this application under Section 101 *for recognition of* mining rights acquired under previous mining laws consisting of valid and subsisting mining grants, patent, locations, leases, permits and/or other mining rights, as per *attached list thereof*, and the *pertinent documents* establishing said mining rights.

In this connection, the applicant states that:

1. The subject mining claims and/or rights were valid and subsisting at the time of the promulgation of the Decree on May 17, 1974.
2. Applicant is qualified to hold mining rights under the Decree.
3. All the fees and taxes thereon have been paid.
4. The claims included in the attached list covered by Spanish Royal Grants and unpatented mining claims registered under the Act of U.S. Congress of July 1, 1902, if any, have been applied for survey within one (1) year from the promulgation of the Decree.

5. There is no failure to comply with the fundamental requirements of the respective grants.
6. If this application is approved, applicant shall comply with the applicable provisions of the Decree and the pertinent rules and regulations.

Very truly yours,

.....
Applicant

TAN

BY:

TAN

Subscribed and sworn to before me this day of, 19....,
affiant exhibiting to me his Residence Certificate No. A- issued at
..... on

.....
Notary Public

Until December 31, 19

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Kagawaran ng Kalusugan

(DEPARTMENT OF HEALTH)

REPUBLIKA NG PILIPINAS
KAGAWARAN NG KALUSUGAN
TANGGAHAN NG KALIHIM
MAYNILA

DANGEROUS DRUGS BOARD

May 14, 1975

ADMINISTRATIVE ORDER No. 245 s. 1975

SUBJECT: DESIGNATING MAJOR ROMAN T. PANTINO, SR. PA (INAC), DISTRICT INTELLIGENCE AND LIASON OFFICE FOR AGUSAN NORTE-SUR, AND NARCOTICS OFFICER, RASAC NORTHERN MINDANAO REGION, AS DEPUTY DANGEROUS DRUGS INSPECTOR.

To facilitate a more effective control of possession, sale, manufacture of and traffic in dangerous drugs, and pursuant to the authority vested in me as Secretary of Health, concurrently ex-officio member and Chairman of the Dangerous Drugs Board, to enforce the provisions of Section 27 of Republic Act No. 3720 and Section 12 of Republic Act No. 953 in relation to pertinent provisions of Republic Act No. 6425, as amended, Major ROMAN T. PANTINO, SR., who has successfully completed the Narcotics and Dangerous Drugs Control and Investigation Course No. 7, conducted by the National Police Commission, is hereby designated as Deputy Dangerous Drugs Inspector.

Under this designation, Major Pantino, Sr. shall have the authority:

1. to enter, at reasonable hours, any medical, dental, and veterinary clinic, drugstore, factory, warehouse, or other drug establishment in which drugs are manufactured, processed, packed, or held, for introduction into commerce or held after such introduction, or to enter any vehicle being used to transport or hold such drugs, in commerce; and

2. to inspect, in a reasonable manner, such medical, dental and veterinary clinic, drugstore, factory, warehouse, establishment, materials, containers, and labeling therein.

While performing the above functions, the following guidelines shall be strictly followed:

1. His area of jurisdiction shall be limited within the area where he is regularly assigned.
2. He shall, in respect of his duties as dangerous drugs inspector, be under the direct supervision and control of the Secretary of Health.
3. If he made such inspection of a medical, dental and veterinary clinic, drugstore, factory, warehouse or other establishment, has obtained any sample in the course of the inspection, upon completion of the inspection and prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained.
4. He shall submit an after-operation report of every activity and accomplishment to the Secretary of Health, copy furnished the Food and Drug Administration and the Dangerous Drugs Board, provided that if there are more than one activity or accomplishment performed in one day, a single integrated report of all such activities or accomplishments in one day will suffice.

The authority herein granted shall take effect immediately and shall continue only up to December 31, 1975, unless sooner or revoked.

(Sgd.) CLEMENTE S. GATMAITAN, M.D., M.P.H.
Secretary of Health and Chairman,
Dangerous Drugs Board

Bangko Sentral ng Pilipinas

(CENTRAL BANK OF THE PHILIPPINES)

CENTRAL BANK OF THE PHILIPPINES
MANILA

OFFICE OF THE GOVERNOR
CIRCULAR No. 467
Series of 1975

In implementation of Presidential Decree No. 584, dated November 16, 1974, establishing a procedure for acquisition by small farmers of equity in rural banks, the Monetary Board, in its Resolu-

tion No. 1105 dated May 30, 1975, promulgated the following rules and regulations:

SECTION 1. Sale of Shares of Stock

- a. It shall be obligatory upon an existing rural bank to accept offers to invest in the equity of the rural bank from farmers who are its clients and who are members of a samahang Nayon, or from a Samahang Nayon of which said farmers are

- members, in the form of common shares of stock of the rural bank representing in the aggregate up to forty per cent (40%) of the voting stock of the bank.
- b. For purposes of this Section, "client" shall mean any farmer-member of a Samahang Nayon who is a depositor or borrower of the rural bank.
- c. The price of the share of stock shall be agreed upon between the parties. Where no agreement is reached on the price, it shall be the fair market value of the share of stock at the time of the proposed purchase, to be determined by the Department of Rural Banks and Savings and Loan Associations, Central Bank, on the basis of the following guidelines:
- 1) The number of shares of common stock outstanding shall be ascertained.
 - 2) The total surplus available, consisting of earned surplus, capital surplus, and surplus reserve except for the reserve for bad and doubtful account, shall likewise be ascertained.
 - 3) The "Appraisal Surplus" arrived at in the revaluation of the fixed assets which shall be conducted by a duly licensed expert or specialist not in anyway connected with the rural bank, shall also be included in the computation. (The appraisal value of the fixed assets shall be disclosed in the statement of financial condition of the rural bank together with the accumulated depreciation on appraisal values, depreciation on appraisal, excess of appraised values over actual or historical cost, the date of appraisal and the name of the licensed appraiser. "Appraisal surplus" shall be shown in the Networth Section and shall not be made available for dividends except the portion thereof that is absorbed through accumulated depreciation charges on appraisal increment which may be declared as stock dividends.)
 - 4) The total of Nos. 2 and 3 above plus the total paid-in common stock, divided by the total number of shares of common stock outstanding (No. 1 above) equals the fair market value per share.
- d. The shares of stock to be made available by the rural bank shall come from shares of stockholders who are willing to sell/ or from the unissued common shares of stock of the bank. If this is inadequate for the purpose, the necessary increase in capitalization shall be effected by the rural bank. Whenever the capital stock is increased for this purpose, the additional shares of stock shall be to satisfy the

offers of qualified farmer-members or Samahang Nayon.

- e. In the disposition of voting shares under this Circular, sales shall be made to as many Samahang Nayon as possible within the area of operation of the rural bank concerned. Priority shall be given to Class "A" Samahang Nayons as certified by the Bureau of Cooperatives Development, DLGCD.
- f. The disposition of the shares of stock by the rural bank to the farmer-members or Samahang Nayon shall be by purchase and not by subscription, and the sale shall be on a cash basis only.
- g. The acquisition of shares of stock in existing rural banks by the farmer-members or by the Samahang Nayon shall be subject to the limitations on individual, family group, or corporate holdings established under Section 12 of R.A. No. 337, as amended.

SEC. 2. *Procedure for Acquisition of Shares of Stock*

- a. The farmer-member or the Samahang Nayon shall make a written offer to the rural bank for the purchase of the shares of stock. The offer of the farmer-member shall be accompanied by a certification from his Samahang Nayon that he is a member in good standing. The offer of a Samahang Nayon shall be accompanied by a certification from the Bureau of Cooperatives Development, DLGCD, that it is a Samahang Nayon in good standing.
- b. In the acceptance of offers, the rural bank shall apply the "first come, first served" basis, to be reckoned by the day (all offers received on the same day, regardless of time, shall be considered as received simultaneously). In cases where the number of remaining available shares is insufficient to satisfy two or more offers on any given day, the offer of a Samahang Nayon shall be given priority over that of an individual farmer-member, while the offer of a farmer-member who is a resident of the locality where the rural bank is situated shall be given priority over that of a farmer-member who is not a resident. If the offers received on the same day have the same priority, the remaining available shares shall be equally divided between them.
- c. Before any transfer of stock under this arrangement is entered in the books of the rural bank, full compliance with the provisions of Section 58 of the Revised Rules and Regulations Governing Rural Banks is required.

SEC. 3. *Posting of Notices*

Every rural bank shall post a notice within the bank's premises and in three conspicuous places in the locality where the rural bank is situated, to the effect that common shares of stock of the rural bank representing in the aggregate up to forty per cent (40%) of the voting stock of the bank are available for sale to farmers who are clients of the bank and who are members of a Samahang Nasyon or to any Samahang Nasyon of which said farmers are members.

Within thirty (30) days from the effectivity of this Circular, the President of each rural bank shall submit to the Department of Rural Banks and Savings and Loan Associations, Central Bank, a certification signed by him that the required notices have been posted, stating therein the places where such notices have been posted.

SEC. 4. *Effectivity*

This Circular shall take effect immediately.

(Sgd.) G. S. LICAROS
Governor

June 2, 1975

CENTRAL BANK OF THE PHILIPPINES

MANILA

OFFICE OF THE SENIOR DEPUTY GOVERNOR

MEMORANDUM TO AUTHORIZED AGENT BANKS

Pursuant to Monetary Board Resolution No. 967 dated May 16, 1975, the following amendments to the Revised Central Bank Commodity Classification Manual (as of July 1, 1973), as amended, shall take effect immediately:

Category	Group	Item	Sub-Item	Commodity Description	Unit
	DIVISION	09		MISCELLANEOUS FOOD PREPARATIONS	
		099-09		<i>Food preparations, n.e.s.</i>	
For Inclusion:					
EC			099-09.34	Preparations (plain or seasoned) of a kind used as salt substitutes for pathological conditions where low sodium of sodium-free diet is required e.g., "Nu-salt", "McCormick", dietetic salts, etc.)	NK
NEP			099-09. 35	Mixed seasonings for food manufacture in bulk containers of 50 lbs. or over	NK
For Amendment:					
NEC			099-09. 33	Food seasoning in retail containers (mono-sodium glutamate, Ajinomoto, Accent, Maggi seasoning, Bouillon, etc.) except monosodium glutamate in bulk 512-09.32),	NK
				<i>to read as</i>	
NEC			099-09. 33	Food seasoning in retail containers	NK
For Inclusion:					
	DIVISION	89		MISCELLANEOUS MANUFACTURED ARTICLES N.E.S.	
		899-99		<i>Manufactured articles, n.e.s.</i>	
SEC			899-99. 39	Smoking habit quitting device	No.

Please be guided accordingly.

AMADO R. BRINAS
Senior Deputy Governor

June 3, 1975
(MAAB No. 32)

CENTRAL BANK OF THE PHILIPPINES

MANILA

OFFICE OF THE GOVERNOR

MEMORANDUM TO AUTHORIZED AGENT BANKS

Pursuant to Monetary Board Resolution No. 1020 dated May 23, 1975, the following amendments/inclusions to the Revised Central Bank Commodity Classification Manual (as of July 1, 1973 shall take effect immediately:

Category	Group	Item	Sub-Item	Commodity Description	Unit
<i>For Inclusion:</i>					
	DIVISION	65		TEXTILE YARN, FABRICS, MADE-UP ARTICLES AND RELATED PRODUCTS	
		653-09		<i>Fabrics, n.e.s., including fabrics made of coarse hair and of paper yarn</i>	
1) UP			653-09.17	Tapestry, upholstery and drapery fabrics, of glass fiber	NK
2) UP			653-09.21	Tapestry, upholstery and drapery fabrics, of man-made fibers (e.g., rayon, nylon, etc.)	Sq. Yd.
<i>For Amendment:</i>					
	DIVISION	65		TEXTILE YARN, FABRICS, MADE-UP ARTICLES AND RELATED PRODUCTS	
		653-05		Fabrics of synthetic fibers and spun glass	
3) UP			653-05.01	Spun glass fabrics	NK
				<i>to read as:</i>	
	UP		653-05.01	Glass fiber fabrics	NK
4) SEC			721-02.01	Flashlight batteries, primary, of other sizes (excluding flashlight batteries with ASA designation of "D" and the following specifications: diameter of 1-11/32" and length [contact to contact] of 2-13/12" including Eveready "D" size, Philips R-20, Maxell UM-1, New Max UM-1A, etc.)	No.
				<i>to read as:</i>	
SEC			721-02.01	Flashlight batteries, primary, of other specifications (excluding flashlight batteries with ASA designations of "D" "C" and "AA" specified in Commodity Code No. UC 721-02.05)	
5) UC			721-02.05	Flashlight batteries with ASA designation of "D" and the following specifications: diameter of 1-11/32" and length [contact to contact] of 2-13/12" including Eveready "D" size, Philips R-20, Maxell UM-1, New Max UM-1A, etc.)	

to read as:

UC

721-02.05 Dry single-cell batteries (i.e., for flashlight/radio; etc) with ASA designations of "D", "C" and "AA" rated at 1.5 volts and the following specifications of their equivalent: No.

	Size "D"	DIMENSIONS	
		Size "C"	
Diameter	1.282"-1.296"	0.989"-0.996"	0.546"-0.553"
Length (contact to contact)	2.368"-2.384"	1.950"-1.955"	1.946"-1.977"

6) NEP

899-11.04 Bags of synthetic materials (including cellulose bags) NK

to read as:

NEP

899-11.04 Cans, cases, bags, boxes and other packing containers of vulcanized fiber or of other artificial plastic material, n.e.s. NK

Please be guided accordingly.

(Sgd.) G. S. LICAROS
Governor

June 4, 1975
(MAAB No. 34)

MGA PAHAYAG NA LEGAL AT OPISYAL

(LEGAL AND OFFICIAL NOTICES)

Hukumang Unang Dulugan

(COURT OF FIRST INSTANCE)

[FIRST PUBLICATION]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF BATAAN
FIFTH JUDICIAL DISTRICT
BRANCH I

CADASTRAL CASE No. 12 LRC (GLRO) CADASTRAL
RECORD No. 388 Lot No. 1104—Petition for the
Reconstitution of Original Certificate of Title
No. (N.A.)

PATROCINIO SIASAT, Petitioner

AMENDED NOTICE OF HEARING

To: Patrocinio Siasat, Faustino Poblete, Maria
Abella, Estanislao Siasat and Pascual Mata-
waran, all of Samal, Bataan; the Director
of Printing, Manila and to all whom it may
concern:

Whereas, a petition has been filed in this Court
by Patrocinio Siasat, under the provisions of Repub-
lic Act No. 26 for the reconstitution of Original Cer-
tificate of Title No. (N.A.), copy of said title was
alleged to have been lost in the possession of the ori-
ginal owner during the last war and the original
thereof was likewise lost and/or destroyed in the
Office of the Register of Deeds of Balanga, Bataan,
also a consequence of said war, covering a parcel of
land known as Lot No. 1104 of the Cadastral Sur-
vey of Samal, located in the Municipality of Sa-
mal, Bataan, bounded as follows:

On the SE. by Lot No. 1103;
On the SW. by Lot No. 1105;
On the NW. by Lot No. 1049; and
On the NE. by Lot No. 1103.
Area: 33,499 Square Meters.

Wherefore, you are hereby given notice that said
petition has been set for hearing on September 19,
1975 at 8:30 o'clock in the morning in the Sala of
this Court at Balanga, Bataan, on which date, time
and place you should appear and file your objection,
if any, to the said petition.

Witness, the Honorable Abraham P. Vera, Judge
of this Court, this 10th day of June, 1975.

(Sgd.) ANTONIO C. QUINTOS
Branch Clerk of Court

[25,26]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF CAPIZ
ELEVENTH JUDICIAL DISTRICT
BRANCH IV

CADASTRAL CASE No. 29 GLRO (LRC) CADASTRAL
RECORD No. 960, Lot No. 368, Ivisan Cadas-
tre—Reconstitution Case No. 1384.

NORBERTO BENGAN, Petitioner

NOTICE OF HEARING

To: The Mun. Mayor, Ivisan, Capiz; Norberto
Bengan, Capricho I, Roxas City; Toribio
Baranda, Mamerto and Daniel de la Cruz,
Juan Veedor, Librada de la Cruz and Ilu-
minado Villaruz, all of Ivisan, Capiz; and
to whom it may concern:

Whereas, a petition was filed with this Court
under the provisions of Republic Act 26, by
Norberto Bengan, the herein petitioner for the
reconstitution of Original Certificate of Title
alleged to have been lost or destroyed on file in
the office of the Register of Deeds of Capiz as
well as its duplicate copy as a result of the last
world war. The said lot is bounded and des-
cribed as follows:

"A parcel of land (Lot 368, Cad-228 of
the cadastral survey of Ivisan, L.R.C. Record
No.—), situated in the barrio of Agma-
lobo, municipality of Ivisan, province of
Capiz. Bounded on the SE., along line 1-2,
by Lot 414; on the SW., along lines 2-3-4,
by Lot 369, both of Cad-228, Ivisan Cadastre;
on the NW., along lines 4-5-6-7-8, by center
of Mansawang creek; and on the NE., along
lines 8-9-10-11, by Lot 184, Cad-228, Ivisan
Cadastre. Containing an area of forty seven
thousand one hundred three (47,103) square
meters."

Therefore, you are hereby given notice that the
said petition has been set for hearing on the
22nd day of October, 1975, at 8:30 in the morn-
ing, in the session hall of Branch IV of this
Court, Provincial Capitol in Roxas City, in which
date, time and place you should appear and file
your objections or claims if you have any to the
petition.

Witness, the Honorable Fidencio S. Raz, Judge
of this Court, this 18th day of April, 1975.

(Sgd.) ANDRES E. DONATO, JR.
[25, 26] Deputy Clerk of Court

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF ILOILO
ELEVENTH JUDICIAL DISTRICT

CADASTRAL CASE No. 33, GLRO RECORD No. 619,
Lot Nos. 635, 647 & 656, (Dumangas Cadastre).

FLORENCIA VDA. DE YUSAY, Petitioner

NOTICE

To: Mrs. Florencia Vda. de Yusay, Iloilo City; the
Register of Deeds of Iloilo, Iloilo City; the
Commissioner, LRC, Quezon City; the Provincial
Land Officer, Iloilo City;

GREETINGS:

A verified petition for the reconstitution of Original Certificate of Title No. 32534, covering lot Nos. 635, 647 and 656, Dumangas Cadastre, has been filed with this Court. Petitioner alleges among other things, that she is the absolute owner of these parcels of land, having inherited the same from the late Jose S. Yusay, in Special Proceeding No. 1481; that the original as well as the owner's duplicate copies were all lost and in spite of diligent efforts exerted, the same could not be found.

Wherefore, Notice is hereby given that the above-entitled case be set for hearing before the 1st Branch of this Court, at 8:00 o'clock A. M., Provincial Capitol, Iloilo City on September 5, 1975, so that any person who may have an interest over said lots and title may appear and show cause, if any, why said petition should not be granted. Let this Notice be published in the *Official Gazette*, pursuant to the provisions of Republic Act No. 26 and the same be posted at the main entrance of the Municipal Hall of Dumangas, Iloilo and in any other conspicuous places of said town, at the expense of the petitioner, for the information and guidance of the public in general.

Witness, the Hon. Midpantao L. Adil, Acting
Executive Judge, Branch 11, this 22nd day of
May, 1975.

(Sgd.) MAGDALENA G. LOREDO
[25, 26] Deputy Clerk of Court

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF ILOILO
ELEVENTH JUDICIAL DISTRICT

CADASTRAL CASE No. 6, GLRO RECORD No. 9740,
Lot No. 1721 (Iloilo).

FLORENCIA VDA. DE YUSAY, Petitioner

NOTICE

To: Mrs. Florencia Vda. de Yusay, Iloilo City;
the Register of Deeds of Iloilo, Iloilo City;
the Commissioner, Land Registration Commission,
Quezon City; the Provincial Land Officer,
Iloilo City;

GREETINGS:

A verified petition for the reconstitution of Original Certificate of Title No. 3760, covering Lot No. 1721, Iloilo Cadastre has been filed with this Court. Petitioner alleges among other things, that she is the absolute and exclusive owner of this lot, having acquired the same by inheritance in Special Proceedings No. 1481; that the original as well as the owner's duplicate copies of Original Certificate of Title No. 3760 were all lost and in spite of diligent efforts exerted, the same could not be found.

Wherefore, Notice is hereby given that the above-entitled case be set for hearing on the 1st Branch of this Court, Provincial Capitol Bldg., on September 5, 1975, at 8:00 o'clock A. M., so that any person who may have an interest over said lot and title may appear and show cause, if any, why said petition should not be granted. Let this Notice be published in the *Official Gazette*, pursuant to the provisions of Republic Act No. 26 and the same be posted at the main entrance of the City Hall, Iloilo City and in the Public Market, at the expense of the petitioner, for the information and guidance of the public in general.

Witness, the Hon. Midpantao L. Adil, Acting
Executive Judge, Branch 11, this 22nd day of May,
1975.

(Sgd.) MAGDALENA G. LOREDO
[25, 26] Deputy Clerk of Court

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF LAGUNA
EIGHTH JUDICIAL DISTRICT
BRANCH II

CADASTRAL CASE No. 9 GLRO RECORD No. 200
Lot No. 689 Pagsanjan Cadastre—In Re: Petition
for Judicial Reconstitution of Title.

NORMA CABREZA-ZABALLA and LINA G. SAMONTE
Petitioners

NOTICE OF HEARING

To: The Register of Deeds, Santa Cruz, Laguna,
the Municipal Mayor, Atty. Zorayda H. Ca-

ballero, Maria Maceda, Alejandro Abaya, Basilio Sablan and Mariano Vidal, all of Pagsanjan, Laguna; and to all whom these may concern:

Whereas the above-named petition filed with this Court alleges that Original Certificate of Title No. (not available) of the land records of Laguna, issued in the name of Engracia Lavadia of Pagsanjan, Laguna, covered the parcel of land particularly described as follows:

"A parcel of land (Lot 689 of the cadastral survey of Pagsanjan, Cad-69, Case-1, L.R.C. Record No.), situated in the Barrio of Biñang, Municipality of Pagsanjan, Province of Laguna. Bounded on the NW., by Lot 691; on the SE. and NE. by Road; on the SE. by Lot 688; and on the SW. by Lot 687 and 690, all of Pagsanjan Cadastre, Cad-69. Containing an area of five thousand four hundred ninety eight (5,498) square meters."

that the original as well as owner's duplicate thereof were either lost or destroyed during the last world war; and that the petitioners are now the owners of the property;

Therefore, you are hereby given notice that the petition is set for hearing on October 29, 1975 at 8:30 a.m. before the Second Branch of this Court in Santa Cruz, Laguna, on which date, time and place, you should appear to file your claim or objection, if any you have, to the petition.

Witness, the Honorable Gabriel V. Valero, Judge of this Court, this 25th day of April, 1975 at Santa Cruz, Laguna.

(Sgd.) FRANCISCO S. ABELLA
Clerk of Court

[25, 26]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF LAGUNA
EIGHTH JUDICIAL DISTRICT
BRANCH II

CADASTRAL CASE No. 11 GLRO CADASTRAL RECORD
No. 208 Lots Nos. 2080, 2108 and 2100,
Pagsanjan Cadastre—In Re: Petition for Judicial Reconstitution of Title.

PRIMITIVA CABREZA and ELLA CABREZA, Petitioners
NOTICE OF HEARING

To: The Register of Deeds, Sta. Cruz, Laguna, the Municipal Mayor, Atty. Zorayda H. Caballero, Juan Abella, Roman Abaya, Salud Cabreira, Juan Quezada, Sinforosa Villanueva and Santiago Vito, all of Pagsanjan, Laguna; and to all whom these may concern:

Whereas the above named petition filed with this Court alleges that three original certificate of titles, the number of which are no longer available, of the land records of Laguna, issued in the names of Dionisio Cabreza and Primitivo Cabreza, covered the parcels of land particularly described as follows:

1. "A parcel of land (Lot 2080 of the cadastral survey of Pagsanjan, Cad-69, LRC Rec. No.), situated in the Barrio of Maulawen, Pagsanjan, Laguna. Bounded on the N. by Lot 2079; on the E. by Callejon; on the S. by Lot 2081; on the W. by Bala-nac River; and on the N. by Lot 2079, all of Cad-69, Pagsanjan cadastre. Containing an area of thirty one thousand two hundred forty one (31,241) square meters."

2. "A parcel of land (Lot 2108 of the cadastral survey of Pagsanjan, LRC Rec. No.), situated in the Barrio of Maulawen, Pagsanjan, Laguna. Bounded on the S. by Lot 2116; on the W. by Lot 2107; on the N. and NE. by Creek; and on the E. & S. by Lot 2115, all of the Pagsanjan Cadastre. Containing an area of four thousand three hundred eighty one (4,881) square meters." and

3. "A parcel of land (Lot 2100 of the cadastral survey of Pagsanjan, Cad. 69, LRC Rec. No.), situated in the Barrio of Maulawen, Pagsanjan, Laguna. Bounded on the W. by Creek, on the N. by Lot 2101; on the E. by Road; and on the S. by Lot 2099, all of Pagsanjan Cadastre. Containing an area of five thousand sixteen (5,016) square meters."

and that the originals as well as the owners' duplicates thereof were either lost or destroyed during the last world war;

Therefore, you are hereby given notice that the petition is set for hearing on October 30, 1975 at 8:30 a.m. before the Second Branch of this Court in Santa Cruz, Laguna, on which date, time and place, you should appear to file your claim or objection, if any you have, to the petition.

Witness, the Honorable Gabriel V. Valero, Judge of this Court, this 29th day of April, 1975 at Santa Cruz, Laguna.

(Sgd.) FRANCISCO S. ABELLA
Clerk of Court

[25, 26]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF LAGUNA
EIGHTH JUDICIAL DISTRICT
BRANCH II

CADASTRAL CASE No. 13 GLRO CADASTRAL RECORD
No. 210 Lots 1844 and 1847 Pagsanjan Cadastre—In Re: Petition for Judicial Reconstitution of Titles.

NORMA CABREZA ZABALLA and LINA C. SAMONTE
Petitioner

NOTICE OF HEARING

To: The Register of Deeds and the District Engineer, Santa Cruz, Laguna; Atty. Zorayda

H. Caballero, Benigno San Luis, Jose Rivera, Baldomero Cosme and the Municipal Mayor, all of Pagsanjan, Laguna; and to all whom these may concern:

Whereas the above-named petition filed with this Court alleges that two original certificates of titles, the number of which are no longer available, of the land records of Laguna, both issued in the name of Engracia Lavadia, covered the parcels of land particularly described as follows:

1. "A parcel of land (Lot 1844 of the cadastral survey of Pagsanjan, Cad-69, LRC Rec. —), situated in the Barrio of Sampaloc, Municipality of Pagsanjan, Province of Laguna. Bounded on the NW., by the Provincial Road; on the NE., by Creek; and on the SE., and SW., by Lot 1845 of Pagsanjan Cadastre. Containing an area of one thousand five hundred forty-five (1,545) square meters." and

2. "A parcel of land (Lot 1847 of the cadastral survey of Pagsanjan, Cad-69, LRC Rec. No. —), situated in the Barrio of Biñang, Municipality of Pagsanjan, Province of Laguna. Bounded on the NW. by the Provincial Road; on the SE. by Salasad Creek; and Lot 1848; and on the W. by 1849 of the Pagsanjan Cadastre. Containing an area of eight thousand nine hundred seventy-one (8,971) square meters."

that the originals as well as the owner's duplicates thereof were either lost or destroyed during the last world war; and that the petitioners are now the owners of the property;

Therefore, you are hereby given notice that the petition is set for hearing on October 29, 1975 at 8:30 a.m. before the Second Branch of this Court in Santa Cruz, Laguna, on which date, time and place, you should appear to file your claim or objection, if any you have, to the petition.

Witness, the Honorable Gabriel V. Valero, Judge of this Court, this 25th day of April, 1975 at Santa Cruz, Laguna.

(Sgd.) FRANCISCO S. ABELLA

[25, 26]

Clerk of Court

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF LAGUNA
EIGHTH JUDICIAL DISTRICT
BRANCH II

CADASTRAL CASE No. 43 GLRO CADASTRAL RECORD
No. 1971 Lot 2142, Sta. Cruz Cadastre—In
Re: Petition for Judicial Reconstitution of
Original Certificate of Title No. (N.A.)
ALFREDO ROXAS and LETICIA BAUTISTA, Petitioners.

NOTICE OF HEARING

To: The Register of Deeds, the District Engineer,
the Municipal Mayor, Atty. Bernardo Cagan-

dahan, Isabel Flores, Pelagio dela Cruz and
Hernando Alano, all of Santa Cruz, Laguna;
and to all whom these may concern:

Whereas, the above-named petition for reconstitution of Torrens Title alleges that Original Certificate of Title No. (not available) of the land records of Laguna, issued in the name of the spouses Pedro Resurreccion and Urbana Malabago, covered a parcel of land particularly described as follows:

"A parcel of land (Lot No. 2142 of the cadastral survey of Santa Cruz), with the improvements thereon, situated in the Barrio of Sto. Angel Sur and Calios, Municipality of Santa Cruz. Bounded on the NE. by Lot 2140; on the SE. by Lot 2139; on the SW. by Lot 2143; and on the NW. by Provincial Road. Containing an area of fifty-eight (58) square meters, more or less.

that the original as well as the owner's duplicate thereof were lost or destroyed during the last world war; and that the petitioners are now the owners of the property;

Notice is therefore hereby given that the petition is set for hearing on July 18, 1975 at 8:30 a.m. before the Second Branch of this Court in Santa Cruz, Laguna, on which date, time and place, you should appear to file and establish your claim or objection, if any you have to the petition.

Witness, the Honorable Gabriel V. Valero, Judge of this Court, this 29th day of January, 1975 at Sta. Cruz, Laguna.

(Sgd.) FRANCISCO S. ABELLA

[25 26]

Clerk of Court

REPUBLIC OF THE PHILIPPINES
CITY COURT OF MANDAUE
BRANCH II

CASE No. 3, RECORD No. 4030, Lot No. 1246, II-5121-Amd. 2. For: Reconstitution of Title—EL SEMINARIO DE SAN CARLOS DE CEBU, Applicant.

SULPICIO VEGA, Petitioner

NOTICE OF HEARING

To: the City Fiscal, 2) the City Mayor, 3) the Register of Deeds, 4) the City Engineer, 5) the City Public Market's Office, all of Mandaue City; 6) the Honorable, Solicitor General, Department of Justice, Manila; registered mail; 7) Atty. Cirilo C. Sanchez, Basak, Mandaue City; 8) Petrona Vda. de Vega, Pagsabungan, Mandaue City; 9) Felix Gindang, Pagsabungan, Mandaue City; 10) Heirs of Gavino Vega, % Eriberto Vega, Pagsabungan, Mandaue City; 11) Nicanor Mahusay, Tingub, Man-

daue City; 12) Sergio Toling, Pagsabungan, Mandaue City; 13) Aurelio Perez, Tabok, Mandaue City; 14) Arcadio Borgajo, Canduman, Mandaue City; 15) Heirs of Gerardo Ouano, % Vice Mayor Alfredo M. Ouano, Opao, Mandaue City;

GREETINGS:

Please take notice that the petition filed with this Court by Sulpicio Vega, seeking for the reconstitution of the original certificate of title of the above-entitled lot is set for hearing on September 30, 1975, at 9:00 o'clock in the morning, before the Second Branch of the City Court of Mandaue, located at the Second Floor of Mandaue Fire Department building, Mandaue City;

Whereas, Lot No. 1246, Plan II-5121-Amd. 2 is covered under Decree No. 731174 in the name of Juana Castañeda, a widow, of Mandaue City, Philippines;

Whereas, Lot No. 1246 is situated in the barrio of Pagsabungan, Mandaue City, having an area of eighteen thousand seven hundred and sixteen (18,716) square meters, more or less;

Therefore, you are hereby ordered to appear at the date, time and place herein designated to show cause, if any you have, why said petition should not be granted.

Witness, the Honorable Lorenzo B. Barria, Judge of this Court, this 22nd day of May, 1975, at the City of Mandaue, Philippines.

(Sgd.) MARCOS F. SANCHEZ

[25, 26] Deputy Clerk of Court
Branch II

REPUBLIC OF THE PHILIPPINES COURT OF FIRST INSTANCE OF MASBATE TENTH JUDICIAL DISTRICT BRANCH I

SPECIAL PROCEEDING No. 57 LRC SPECIAL PROCEEDING No. 344—In Re Petition for the Reconstitution of Original Certificate of Title No. 771 (Homestead Patent No. 9938) in the name of GUALBERTO FUENTES.

JULIANA FUENTES, ET AL., Petitioners

NOTICE OF HEARING

To: Atty. Honesto A. Villamor, counsel for the petitioners, Masbate, Masbate; Petitioners Juliana Fuentes, Benjamin Fuentes and Rosa Fuentes, of Ipil, San Fernando, Masbate; Crisanta Fuentes-Canale, Panisihan, Batuan, Masbate, Jose Fuentes and Felipe Fuentes, Mobo, Masbate; Lim Hoc Kim, care of Ruben Lim, Mobo, Masbate, Vitiliano Nuñez, care of Ambrosio Nuñez, Catalino Bolon, care of Evaristo Bolon, Ariston Aban, care of Ernesto Aban, Francisco Tumbaga, care of Isidoro

Tumbaga, Emeterio Sampaga, care of Felicitas Aban-Tidon, Pablo Bolon, care of Gregorio Castillo, all of Mobo, Masbate; the Director of Lands, Manila; the Register of Deeds, Masbate, Masbate; and to all whom it may concern:

GREETINGS:

Whereas, a petition has been filed by Juliana, Felipe, Crisanta, Jose, Salustiano, Jr., Rosa and Benjamin, all surnamed Fuentes, praying among others for the reconstitution of Original Certificate of Title No. 771 (Homestead Patent No. 9938) in the name of Gualberto Fuentes;

Whereas, petitioners Juliana, Felipe, Crisanta and Jose, all surnamed Fuentes, are the children of the late Gualberto Fuentes; while the petitioners Salustiano, Jr., Rosa and Benjamin, all surnamed Fuentes, are the grandchildren of said Gualberto Fuentes, by his deceased son, Salustiano Fuentes, Sr.;

Whereas, said Original Certificate of Title No. 771 in the name of the late Gualberto Fuentes, covers a parcel of land located at Barrio Mobo, Municipality of Masbate, Province of Masbate, now Municipality of Mobo, Province of Masbate, containing an area of seventy three thousand six hundred eighty six (73,686) square meters, and is bounded on the : North, by Francisco Tumbaga, now Isidoro Tumbaga; East, by Public Land and Emeterio Sampaga, now Tomas Aban; South, by Pablo Bolon, now Gregorio Castillo; and West, by Vitiliano Nuñez, now Ambrosio Nuñez, Catalino Bolon, now Evaristo Bolon; and Ariston Aban, now Ernesto Aban;

Whereas, the owner's duplicate of said Original Certificate of Title No. 771 was given by the late Gualberto Fuentes, the registered owner thereof to Lim Hoc Kim, now dead, as a security for the mortgage debt incurred by the former from the latter, sometime in 1943;

Whereas, the owner's duplicate of said Original Certificate of Title No. 771 in the name of Gualberto Fuentes, was lost in the possession of said Lim Hoc Kim when his house was burned during the Japanese Occupation; while the original copy of said title which was kept in the Archives of the Register of Deeds of Masbate, was likewise lost and/or destroyed when the building where the Office of the Register of Deeds was located was destroyed by fire during the liberation of Masbate from the Japanese Occupation Forces;

Whereas, the petition is set for hearing on the 19th day of November, 1975, at 8:00 o'clock in the morning before the Court of First Instance of Masbate, Branch I, at its Session Hall at the Capitol Building of Masbate, Masbate, and all those persons named in the notice, as well as other persons who may have an interest on the property covered by the said Original Certificate of Title No. 771 in the name of the late Gualberto Fuentes, are hereby notified to appear before said court, on

said date and time aforesaid, to show cause why the petition should not be granted.

Let this notice of hearing be published at the expense of the petitioners at the Official Gazette in accordance with the provisions of Republic Act No. 26; and let copies of this notice of hearing be posted at the Bulletin Board of the Capitol Building of Masbate; at the Bulletin Board of the Municipal Building of Mobo, Masbate; at the Bulletin Board of the Barrio Hall where the land is situated and at the conspicuous place on the land covered by the aforesaid Certificate of Title No. 771.

Witness, the Honorable Alfin S. Vicencio, Judge of this Court, this 14th day of April, 1975, at Masbate, Masbate, Philippines.

EUDALIO B. VALENCIA
Clerk of Court

By: (Sgd.) RODOLFO J. MARTIRES
[25, 26] Deputy Clerk of Court

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF PAMPANGA
FIFTH JUDICIAL DISTRICT
BRANCH VII

CADASTRAL CASE No. 15 (73-105-M) LRC RECORD No.
344 Lot 795, Apalit Cadastre

JOSE D. PUNSALANG, Petitioner

ORDER

A verified petition having been filed under the provision of Rep. Act No. 26 by petitioner assisted by his counsel, praying for the reconstitution of Original Certificate of Title No. 14254 issued in the names of Juana Binuya, Rafael B. Punsalang, Pablo Punsalang, Candida Punsalang, Zoila B. Punsalang and Pedro B. Punsalang by the Register of Deeds of Pampanga alleged to have been destroyed beyond recognition, covering a parcel of land, more particularly described as follows:

A parcel of land (Lot No. 795 of the Cadastral Survey of Apalit), with the improvements thereon, situated in the Municipality of Apalit. Bounded on the N. by Lot No. 772; on the NE. by Lot No. 789; on the SW. by Lot No. 795; and on the W. by Lot No. 794. Beginning at a point marked "1" on plan, being S. 80 deg. 21' W., 82.73 m. from B.D.M. No. 14; thence N. 2 deg. 10' W., 17.92 m. to point "2"; thence S. 87 deg. 24' E. 6.61 m. to point "3"; thence S. 5 deg. 00' E., 20.18 m. to point "4"; thence N. 76 deg. 10' W., 7.91 meters to the point of beginning containing an area of one hundred and thirty-five square meters (135), more or less. All points referred to are indicated on the plan; bearings true; declination 0 deg. 47' E., date of survey, January 1919 to March 1920.

Wherefore, the Court hereby sets the hearing thereof on Aug. 29, 1975, at 9:00 in the morning at the Old Court Building, San Fernando, Pampanga on which date, time and place all persons having interest or claim in the land in question may appear and file their opposition thereto.

Let this Order be published at the expense of the petitioner, twice in the successive issues of the *Official Gazette* previous to the hearing, causing copies thereof to be posted at the main entrance of the Provincial Gov't Building in San Fernando, Pampanga, and in the Municipal Building of Apalit, Pampanga, where the land is situated and serving proper notice hereof by registered mail, at the expense of the petitioner, to all adjoining owners of the land herein involved whose addresses are known at least thirty (30) days prior to the date of the hearing.

Copy of this Order should likewise be furnished to the Register of Deeds of Pampanga, San Fernando Pampanga.

So ORDERED.

San Fernando, Pampanga, April 30, 1975.

(Sgd.) LORENZO R. MOSQUEDA
[25, 26] District Judge

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF PAMPANGA
FIFTH JUDICIAL DISTRICT
BRANCH VII

CADASTRAL CASE No. 17 (73-106-M) LRC Cadastral
RECORD No. 351 Lot 2347, Apalit Cadastre

JOSE GUTIERREZ DAVID, Petitioner

ORDER

A verified petition having been filed by petitioner thru counsel praying for the reconstitution of Original Certificate of Title No. 12341 issued in the name of Soledad Macapagal, married to Emiliano Vergara by the Register of Deeds of Pampanga, alleged to have been lost in the battle for the liberation of Manila, covering a parcel of land, more particularly described as follows:

A parcel of land (Lot No. 2347 of the Cadastral Survey of Apalit), with the improvements thereon, situated in the Municipality of Apalit. Bounded on the NE by Lot No. 2510; on the SE. by Lots Nos. 2459; and 2348; on the SW. by Lots Nos. 2348 and 2349; and on the NW. by Lot No. 2500. Beginning at a point marked "1" on plan, being N. 5 deg. 53' W., 480.79 m. from B.B.M. No. 16; thence N. 40 deg. 52' E., 119.05 m. to point "2"; thence N. 27 deg. 03' E. 69.58 m. to point "3"; thence S. 43 deg. 37' E., 56.84 m. to point "4"; thence S. 0 deg. 20' E., 118.48 m. to point "5"; thence S. 76 deg. 56' W., 132.76 m. to point "6"; thence

S. 82 deg. 39' W., 12.67 m. to point "7"; thence N. 7 deg. 58' W., 5.27 m. to point "8"; thence N. 6 deg. 40' W., 35.75 m. to the point of beginning; containing an area of sixteen thousand and twenty-four square meters (16,024), more or less. All points referred to are indicated on the plan; bearings true; declination 0 deg. 47' E.; date of survey, January 1919 to March 1920.

Wherefore, the Court hereby sets the hearing thereof, on August 29, 1975 at 9:00 o'clock in the morning at the Old Court Building, San Fernando, Pampanga, on which date, time and place all persons, having interest or claim in the Land in question may appear and file their opposition thereto.

Let this Order be published at the expense of the petitioner twice in the successive issues of the *Official Gazette* previous to the hearing causing copies

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thereof to be posted at the main entrance of the Provincial Government Building in San Fernando, Pampanga, and in the Municipal Building of Apalit, Pampanga, where the land is situated, and serving proper notice thereof by registered mail at the expense of the petitioner to all adjoining owners of the land herein involved whose addresses are known at least thirty (30) days prior to the date of the hearing.

Copy of this Order should likewise be furnished to the Register of Deeds of Pampanga, San Fernando, Pampanga.

So ORDERED.

San Fernando, Pampanga, May 21, 1975.

(Sgd.) LORENZO R. MOSQUEDA
[25, 26] District Judge

Komisyon sa Patalaan ng Lupain (LAND REGISTRATION COMMISSION)

[FIRST PUBLICATION]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF BULACAN

Land Registration Case No. SM-434
LRC Record No. N-46656

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Manager, National Waterworks and Sewerage Administration, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, Malolos, Bulacan; the District Land Office No. III-6, Tabang, Guiguinto, Bulacan; the Municipal Mayor, the Municipal Council, Rosita Bernabe, Serafin Aquino, Anastacio Rayo and Tomas de Silva, Norzagaray, Bulacan; and to all whom it may concern:

Whereas, an application has been presented to this Court by Dominador Mercèd, Norzagaray, Bulacan, to register and confirm his title to the following property:

A parcel of land (plan Psu-151603) with the improvement thereon, situated in the barrio of San Mateo, Municipality of Norzagaray, Province of Bulacan. Bounded on the NE., and NW., by property of Anastacio Rayo; and on the SE., by property of Tomas de Silva; on the SW., by Metropolitan Water District; and on the W., by property of Serafin Aquino. Point "1" is S. 58 deg. 22 min. E., 9,179.75 meters BLLM 2, Norzagaray, Bulacan. Area fifty seven thousand four hundred ninety-three (57,493) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Bulacan, Branch V at its session to be held in the Municipality of Sta. Maria, Province of Bulacan, Philippines, on the 26th day of October, 1975, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Ambrosio M. Galdez, Judge of said Court, the 15th day of May, in the year 1975.

Issued at Quezon City, Philippines, this 28th day of April, 1975.

Attest:

GREGORIO BILOG, JR.
Commissioner of Land Registration

By: GREGORIO C. SEMBRANO
Acting Chief Docket Division

[25, 26]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF CAPIZ

Land Registration Case No. N-736
LRC Record No. N-46252

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, the District Land Office No. VI-2, Roxas City; the Municipal Mayor, the Municipal Council, the Heirs of Pablo Bereber % Atty. Roberto Bereber, Sulpicio Catalan, Braulio Roxas, Pontevedra, Capiz; the Heirs of Justo Abiertas or Abueras, Inocencia Albeo, the Heirs of Augusto Cesar Barrios, Carmen Suckerman, Adorico Bartolome, Hipona, Pontevedra, Capiz; Estefano Belvis, Liberato Catalan, Binuntucan, Pontevedra, Capiz; and to all whom it may concern:

Whereas, an application has been presented to this Court by Adoracion Domingo, Binuntucan, Pontevedra, Capiz, thru Atty. Ernesto L. Rodriguez, Hipona, Pontevedra, Capiz, to register and confirm her title to the following property:

A parcel of land (Lot 987, Pontevedra Cadastre, plan Ap-20769), with the improvements thereon, situated in the Barrio of Binuntucan, Municipality of Pontevedra, Province of Capiz. Bounded on the N., by properties of Justo Abiertas and Inocencia Albeo, et al; on the NE., by property of Inocencia Albeo, et al; on the E., by property of Liberato Catalan; on the S., by the Provincial Road; and on the SW. and NW., by property of Braulio Roxas, et al. Point "1" is N. 80 deg. 44 min. W., 299.56 meters from BLLM 45, Pontevedra Cadastre. Area seventeen thousand five hundred two (17,502) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Capiz, at its session to be held at Branch IV, Provincial Capitol Roxas City, Philippines, on the 12th day of October, 1975, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Fidencio S. Raz, Judge of said Court, the 17th day of April, in the year 1975.

Issued at Quezon City, Philippines, this 26th day of May, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration
By: GREGORIO C. SEMBRANO
[25, 26] Acting Chief Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF CAVITE

Land Registration Case No. TG-260
LRC Record No. N-46951

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, Trece Martires City; the District Land Office No. IV-4, Rosario, Cavite; the City Mayor, the City Council, the City Fiscal, the City Treasurer, the City Engineer, Simeon Solis, Simeon Tolentino, Tagaytay City; Cirilo Solis, Pascual Vito, Vicente Ocampo, Corazon S. Yason and Candido Solis, Barrio Sungay, Tagaytay City; and to all whom it may concern:

Whereas, an application has been presented to this Court by Bienvenido Yason, Jr. and Adoracion S. Ventura, Bo. Sungay, Tagaytay City, to register and confirm their title to the following property:

A parcel of land (Plan Psu-172037), with the improvements thereon, situated in the City of Tagaytay. Bounded on the NE., by property of Vicente Ocampo; on the SW., by the Provincial Road and property of Cirilo Solis; and on the NW., by property of Pascual Vito. Point "1" is N. 87 deg. 52 min. E., 176.82 meters from BLLM 6, Tagaytay City. Area seven hundred thirty-four (734) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Cavite, at its session to be held in the City of Tagaytay, Branch IV, Philippines, on the 6th day of October, 1975, at 9:00 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Alfredo B. Concepcion, Judge of said Court, the 17th day of April, in the year 1975.

Issued at Quezon City, Philippines, this 26th day of May, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration
By: GREGORIO C. SEMBRANO
[25, 26] Acting Chief Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF CAVITE

Land Registration Case No. N-1164
LRC Record No. N-47020

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, Trece Martires City; the District Land Office No. IV-4, Rosario, Cavite; the Municipal Mayor, the Municipal Council, Bacoor, Cavite; Cornelia Guerrero, Asuncion Crisostomo Vda. de Garduque, Demetrio Mascardo, Gregorio Mascardo, Romulo Mascardo, Maria Sagala, Flaviano Rivera, Rosita Bautista, Bernabe Mascardo, Rosalinda Mascardo, Remedios Mascardo, Bo. Salinas, Bacoor, Cavite; Pan American Insurance Agencies, Inc., Suite 402 Martinez Bldg., 378 Dasmariñas St., Manila; and to all whom it may concern:

Whereas, an application has been presented to this Court by Ricardo Mascardo, Salinas, Bacoor, Cavite, assisted by Allas Leynes & Associates, thru Atty. Cipriano S. Allas, Suite 402, Martinez Bldg., 378 Dasmariñas St., Manila, to register and confirm his title to the following property:

A parcel of Land (Lot 154, Psu-164199 (Sheet 12), plan Swo-04-000086), with the improvements thereon, situated in the Barrio of Salinas, Municip-

ipality of Bacoor, Province of Cavite. Bounded on the NE. by Lot 153; on the S., by a Lane, Lots 153 and 147; on the SW., by Lot 155; and on the NW., by Lots 156 and 157. Point "1" is S. 10. deg. 54 min. W., 2,253.51 meters from BLLM 1, Bacoor, Cavite. Area three hundred ninety (390) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Cavite, at its session to be held at Branch V, Municipality of Bacoor, Province of Cavite, Philippines, on the 1st day of October, 1975, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Ricardo P. Tensuan, Judge of said Court, the 2nd day of May, in the year 1975.

Issued at Quezon City, Philippines, this 26th day of May, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration
By: GREGORIO C. SEMBRANO
[25, 26] Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF ILOCOS
NORTE

Land Registration Case No. N-137
LRC Record No. N-46455

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, the District Land Office No. 1-4, Laoag City; the Municipal Mayor, the Municipal Council, Pedro Acacio, Eusebio Tunac, Silverio Foronda, Marciana Armas, Simeona Respicio, Cristina Taylan, Castora A. Acacio, Gerardo Tunac, Eustaquio Agruda and Juan Malasig, Vintar, Ilocos Norte; and to all whom it may concern:

Whereas, an application has been presented to this Court by Vicente Vidad and Aquilina Vidad, Vintar, Ilocos Norte, thru Atty. Andres A. Tunac, Vintar, Ilocos Norte, to register and confirm their title to the following properties:

Two (2) parcels of land with the improvements thereon, situated in the Poblacion Barrio No. 2, Municipality of Vintar, Province of Ilocos Norte. The boundaries and areas of said parcels are as follows:

1. A parcel of land (Lot 1, plan Psu-252210). Bounded on the NE. by Lot 2; on the SE. by Lot 2 and property of Pedro Acacio; on the SW. by property of Eusebio Tunac; and on the NW. by properties of Silverio Foronda and Marciana Armas & Simeona Respicio. Point "1" is S. 23 deg. 39 min. W., 343.22 meters from BLLM 1, Vintar, Ilocos Norte. Area two thousand four hundred nine (2,409) square meters, more or less.

2. A parcel of land (Lot 2, plan Psu-252210). Bounded on the NE. by M.H. del Pilar Street; on the SE. by the Provincial Road; on the SW. by property of Pedro Acacio and Lot 1; and on the NW. by property of Marciana Armas and Simeona Respicio. Point "1" is S. 23 deg. 39 min. W., 343.22 meters from BLLM 1, Vintar, Ilocos Norte. Area one hundred thirty-two (132) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Ilocos Norte, at its session to be held in the City of Laoag, Philippines, on the 16th day of October, 1975, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Ricardo Y Navarro, Judge of said Court, the 5th day of May, in the year 1975.

Issued at Quezon City, Philippines, this 26th day of May, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration
By: GREGORIO C. SEMBRANO
[25, 26] Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF ILOCOS
SUR

Land Registration Case No. 25-C
LRC Record No. N-46716

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial

Engineer, the Public Works District Engineer, the Highway District Engineer, the District Land Office No. I-3, Vigan, Ilocos Sur; the Municipal Mayor, the Municipal Council, Candon, Ilocos Sur; the Heirs of Salvino Suni, Juan Suni, Patpata 1st, Candon, Ilocos Sur; Bureau of Forest Development District No. 5, Bantay, Ilocos Sur; and to all whom it may concern:

Whereas, an application has been presented to this Court by the spouses Ermelo de Leon and Salud Valdez, Candon, Ilocos Sur, thru Atty. Candido P. Balbin, Jr., Candon, Ilocos Sur, to register and confirm their title to the following property:

A parcel of land (plan Psu-1-000381), situated in the Barrio of Patpata, Municipality of Candon, Province of Ilocos Sur. Bounded on the NE., by Loob (Estero); on the S., by property of the Heirs of Salvino Suni & others; and on the W., by Sandy Beach. Point "1" is S. 20 deg. 10 min. E., 366.02 meters from BBM 27, Cad. 103, Candon Cadastre. Area twenty thousand four hundred sixty-seven (20,467) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Ilocos Sur, at its session to be held at Branch IV, Municipality of Candon, Province of Ilocos Sur, Philippines, on the 6th day of October, 1975, at 9:00 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Jack Soriano, Judge of said Court, the 5th day of May, in the year 1975.

Issued at Quezon City, Philippines, this 26th day of May, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration
By: GREGORIO C. SEMBRANO
[25, 26] Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF LA UNION
Land Registration Case No. N-29-V
LRC Record No. N-46918

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon

City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, the District Land Office No. I-1, San Fernando, La Union; the Municipal Mayor, the Municipal Council, Luna, La Union; Dionisia A. Giron, Floresco Paredes, Policarpo Sibayan, Antonio P. Ninobla, Darigayos, Luna, La Union; and to all whom it may concern:

Whereas, an application has been presented to this Court by Urbano Nelmidia Giron, Darigayos, Luna, La Union, to register and confirm his title to the following properties:

Two (2) parcels of land with the buildings and improvements thereon, situated in the Barrio of Darigayos, Municipality of Luna, Province of La Union. The boundaries and areas of said parcels are as follows:

1. A parcel of land (Lot 1, plan Psu-251714). Bounded on the NE., by the Provincial Road; on the SE., by property of Policarpo Sibayan; on the SW., by property of Urbano N. Giron; and on the NW., by property of Floresco Paredes. Point "1" is S. 52 deg. 56 min. W., 5,784.00 meters from BLLM 1, Luna, La Union. Area five hundred twenty-four (524) square meters more or less.

2. A parcel of land (Lot 2, plan Psu-251714). Bounded on the NE., by the Provincial Road; on the SE., by property of Antonio P. Ninobla; on the SW., by property of Urbano N. Giron; and on the NW., by property of Policarpo Sibayan. Point "1" is S. 47 deg. 21 min. W., 6,235.93 meters from BLLM 1, Luna, La Union. Area three hundred thirty-six (336) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of La Union, at its session to be held in the Municipality of Balaoan, Province of La Union, Philippines, on the 2nd day of October, 1975, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Tomas P. Maddela, Jr., Judge of said Court, the 1st day of April, in the year 1975.

Issued at Quezon City, Philippines, this 26th day of May, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration
By: GREGORIO C. SEMBRANO
[25, 26] Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF MISAMIS
ORIENTAL

Land Registration Case No. N-534
LRC Record No. N-46923

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, the District Land Office No. X-1, Cagayan de Oro City; the Municipal Mayor, the Municipal Council, Zosimo Payapaya, Numeriana Payapaya, Ramonita Payapaya, Cruzito Payapaya, and Juan Benbon, Opol, Misamis Oriental; and to all whom it may concern:

Whereas, an application has been presented to this Court by San Miguel Corporation, represented by Pedro F. Celtran, Manager, Beer Marketing Division, Cagayan de Oro City, assisted by Atty. Abeto D. Salcedo, Cagayan de Oro City, to register and confirm its title to the following property:

A parcel of land (Lot 4942-A Cad-237 Cagayan Cadastre, plan Csd-10-000221), with improvements thereon, situated in the Barrio of Bonbon, Municipality of Opol, Province of Misamis Oriental. Bounded on the N. by Lots 4946 and 4943; on the S., by Lot 4942-B, property of Zosimo Payapaya; and on the SW., by the Provincial Road. Points "1" is S. 18 deg. 28 min. W., 327.21 meters from BBM No. 26, Cad 237, Cagayan Cadastre. Area six hundred forty three (643) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Misamis Oriental, at its session to be held in the City of Cagayan de Oro, Philippines on the 10th day of October, 1975, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Benjamin K. Gorospe, Judge of said Court, the 31st day of March, in the year 1975.

Issued at Quezon City, Philippines, this 26th day of May, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration
By: GREGORIO C. SEMBRANO
Acting Chief, Docket Division
[25, 26]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF MISAMIS
ORIENTAL

Land Registration Case No. N-540-A
LRC Record No. N-46924

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, the District Land Office No. X-1, Cagayan de Oro City, the Municipal Mayor, the Municipal Council, Conrado Madrid, Tirso Roxas and Eugenio Madrid, Alubijid, Misamis Oriental; and to all whom it may concern:

Whereas, an application has been presented to this Court by Virginia U. Lim, Alubijid, Misamis Oriental, assisted by Atty. Dionisio B. Getudio, Cagayan de Oro City, to register and confirm her title to the following property:

A parcel of land (Lot 11052 Cad-237, Cagayan Cadastre, plan Ap-10-000054), situated in the Municipality of Alubijid, Province of Misamis Oriental. Bounded on the NE., by Lot 11013, on the SE., by Lot 11011; and on the SW., and NW., by roads. Point "1" is S. 78 deg. 29 min. E., 70.18 meters from BLLM 34 Cad-237, Cagayan Cadastre. Area one hundred eighty eight (188) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Misamis Oriental, at its session to be held in the City of Cagayan de Oro, Philippines, on the 10th day of October, 1975, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Benjamin K. Gorospe, Judge of said Court, the 31st day of March, in the year 1975.

Issued at Quezon City, Philippines, this 26th day of May, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration
By: GREGORIO C. SEMBRANO
[25, 26] Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF MISAMIS
ORIENTAL

Land Registration Case No. N-541
LRC Record No. N-46998

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, the District Land Office No. X-1; the City Mayor, the City Council, the City Fiscal, the City Treasurer and the City Engineer, Cagayan de Oro City; Urbano Macaña, Paulino Cabañeros, Andres Saberaloa, Cipriano Olango, Leoncio Jabiniao, Jose Jabiniao, Bernardino Pacopot, Feliciano Gaa, Felix Matias, Urbano Maaño, Primo Seban and Valentino Y. Mabulay, Indajag, Cagayan de Oro City; Luis Borja, Borja Streets, Cagayan de Oro City; and to all whom it may concern:

Whereas, an application has been presented to this Court by Luis B. Borja, Jr., corner Rizal & J. R. Borja Streets, Cagayan de Oro City assisted by Atty. Saturnino R. Galeon, Cagayan de Oro City, to register and confirm his title to the following properties: Three (3) parcels of land with the improvements thereon, situated in the Barrio of Gusa (now Indajag), City of Cagayan de Oro. The boundaries and areas of said parcels are as follows:

1. A parcel of land (Lot 2739, Cad-237, Cagayan Cadastre, Plan Ap-10-000101). Bounded on the NE., by property of Urbano Macaña, on the SE., by property of Paulino Cabañeros; on the SW., by a road; and on the NW., by property of Andres Saberaloa; Point "1" is N. 28 deg. 20 min. E., 393.4 meters from PBM 25, Cagayan Cadastre. Area three thousand one hundred ninety-two (3,192) square meters, more or less.

2. A parcel of land (Lot 2740, Cad-237, Cagayan Cadastre, Plan Ap-10-000100). Bounded on the NE., by property of Paulino Cabañeros, on the

SE., by property of Cipriano Olango; on the SW., by a road; and on the NW., by property of Leoncio Jabiniao. Point "1" is N. 39 deg. 46 min. E., 476.63 meters from PBM 25, Cagayan Cadastre. Area three thousand five hundred sixty-one (3,561) square meters, more or less.

3. A parcel of land (Lot 2741, Cad-237, Cagayan Cadastre Plan Ap-10-000099). Bounded on the NE., by property of Bernardino Pacopot; on the SE., by property of Feliciano Gaa; on the SW., by a road; and on the NW., by property of Paulino Cabañeros. Point "1" is N. 39 deg. 46 min. E., 476.63 meters from PBM 25, Cagayan Cadastre. Area three thousand nine hundred fifteen (3,915) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Misamis Oriental, at its session to be held in the City of Cagayan de Oro, Philippines, on the 24th day of October, 1975 at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Benjamin K. Gorospe, Judge of said Court, the 22nd day of April, in the year 1975.

Issued at Quezon City, Philippines, this 26th day of May, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration
By: GREGORIO C. SEMBRANO
[25, 26] Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF
PANGASINAN

Land Registration Case No. T-713
LRC Record No. N-46902

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, Lingayen, Pangasinan; the 2nd Pangasinan Highway District Engineer, Rosales, Pangasinan; the District Land Office No. I-7, Dagupan City; the Municipal Mayor and the Municipal Council, Natividad, Pangasinan; Jose

Rebujio, Paula Agsalud, the Barrio Captain, Bendian Lorena and Coyapo Polig, Salud, Natividad, Pangasinan; and to all whom it may concern:

Whereas, an application has been presented to this Court by Mariano Lerot, Salud, Natividad, Pangasinan, thru Atty. Bantas Suanding, Room 21, Stewart Bldg., Harrison Road, Baguio City; to register and confirm his title to the following property:

A parcel of land (plan Psu-1-000220), situated in the Barrio of Salud, Municipality of Natividad, Province of Pangasinan. Bounded on the N., by Cabulandayan creek; on the NE., by property of Jose Rebujio and Public Land; on the S., by property of Paula Agsalud; and on the SW., by property of Bendian Lorena. Point "1" is N. 45 deg. 47 min. E., 3,472.92 meters from BLLM 1, Natividad, Pangasinan. Area thirteen thousand seven hundred six (13,706) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Pangasinan, at its session to be held in the Municipality of Tayug, Province of Pangasinan, Philippines, on the 14th day of October, 1975, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Pedro D. Ofiana, Judge of said Court, the 9th day of May, in the year 1975.

Issued at Quezon City, Philippines, this 26th day of May, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration

By: GREGORIO C. SEMBRANO
[25, 26] Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF
PANGASINAN

Land Registration Case No. N-3370
LRC Record No. N-47026

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the

Provincial Engineer, the Public Works District Engineer, the 1st Pangasinan Highway District Engineer, the Municipal Mayor and the Municipal Council, Lingayen, Pangasinan; the District Land Office No. 1-7, Dagupan City; Pedro Urbano, the Heirs of Tomasa de Guzman, Segunda Molano, Libsong, Lingayen, Pangasinan; and to all whom it may concern:

Whereas, an application has been presented to this Court by Lauro C. Molano, Lingayen, Pangasinan, thru Atty. Rafael de Guzman, Lingayen, Pangasinan, to register and confirm his title to the following property:

A parcel of land (plan Psu-181625), situated in the Barrio of Libsong, Municipality of Lingayen, Province of Pangasinan. Bounded on the NE., by property of Pedro Urbano; on the SE., by a Barrio Road; and on the SW. & NW., by property of the Heirs of Tomasa de Guzman. Point "1" is N. 50 deg. 25 minutes E., 1,794.08 meters from BLLM 1, Municipality of Lingayen, Pangasinan. Area four hundred forty six (446) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Pangasinan, at its session to be held in the Municipality of Lingayen, Province of Pangasinan, Philippines, on the 16th day of October, 1975, at 8:00 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Honorable Antonio C. Masaquel, Judge of said Court, the 6th day of May, in the year 1975.

Issued at Quezon City, Philippines, this 26th day of May, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration

By: GREGORIO C. SEMBRANO
[25, 26] Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF QUEZON

Land Registration Case No. C-126
LRC Record No. N-46966

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian

Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer; the District Land Office No. IV-3, Lucena City; the Municipal Mayor, the Municipal Council, Eufrocina Pasta, Pedro Zara, Sally Omega, Leonito Lingayo, Tomas Bargo, Lorenzo Abellada, Romeo Abres and Feliciano Rongcalles, Buenavista, Quezon; Simproso Nojor, Francisco Marquis, Leoncio Farggo, Atancio Ravalo, Feliciano Roldan, Herminio Porton, San Diego, Buenavista, Quezon; Jose Tumboc, Ilayang Wasay, Buenavista, Quezon; and Avelino Lopez, Lipa City; and to all whom it may concern:

Whereas, an application has been presented to this Court by the Heirs of Regino San Juan, namely, Ines San Juan, Cristobal San Juan, Caridad San Juan, Zenaida San Juan, Benito San Juan, and Elsa San Juan, Buenavista, Quezon, all represented by Caridad San Juan, assisted by Atty. Jose G. de Asis, 208 Merchan St., Lucena City, to register and confirm their title to the following property:

A parcel of land (Plan Psu-234115) with the improvements thereon, situated in the Barrio of San Diego, Municipality of Buenavista, Province of Quezon. Bounded on the NE., by property of Tomas Bargo, on the E., by property of Simproso Nojor *vs.* Herminio Portan; on the SE., by properties of Jose Tumboc, Romeo Abres and Feliciano Rongcalles; on the SW., and W., by the Tiw-Tiw creek; and on the NW., by the Tiw-Tiw creek and property of Avelino Lopez. Point "1" is S., 55 deg. 20 min. W., 4,456.89 meters from BLLM 1, Buenavista, Quezon. Area four hundred thirty two thousand nine hundred thirty-four (432,934) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Quezon, Branch IV, at its session to be held in the Municipality of Calauag, Province of Quezon, Philippines, on the 31st day of October, 1975, at 9:00 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Leodegario L. Mogol, Judge of said Court, the 12th day of March, in the year 1975.

Issued at Quezon City, Philippines, this 26th day of May, 1975.

Attest:

GREGORIO BILOG, JR.

Commissioner of Land Registration

By: GREGORIO C. SEMBRANO

[25, 26]

Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF RIZAL

Land Registration Case No. N-8769

LRC Record No. N-46867

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the District Land Office No. IV-1, 757 Gen. Solano, San Miguel, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the the Public Works District Engineer, the Highway District Engineer and the General Manager, Laguna Lake Development Authority, Pasig, Rizal; the Municipal Mayor, the Municipal Council, Ceferino del Espiritu, Ernesto del Espiritu, Anita Melanio and Sebastian del Espiritu, Tanay, Rizal; and to all whom it may concern:

Whereas, an application has been presented to this Court by Iglesia Ni Cristo, corner Central and Commonwealth Avenues, Diliman, Quezon City, represented by Eraño G. Manalo, Executive Minister and Administrator, Thru Taffalla, Cruz and Associates, by Atty. Felix Gagarin, Central and Commonwealth Avenues, Diliman, Quezon City, to register and confirm its titles to the following properties: Two (2) parcels of land, situated in the Poblacion, Municipality of Tanay, Province of Rizal. The boundaries and areas of said parcels are as follows:

1. A parcel of land (Lot 1406, Cad-393, Tanay Cadastre, plan Ap-04-000357). Bounded on the N., by Lot 1407; on the E., by property of Anita Melanio; on the S., and W., by Lot 1404, property of Ernesto del Espiritu. Point "1" is S. 20 deg. 34 min. E., 290.83 meters from BLLM 1, Cad-393, Tanay Cadastre. Area eighty-two (82) square meters, more or less.

2. A parcel of land (Lot 1407, Cad-393, Tanay Cadastre, plan Ap-04-000357). Bounded on the N., by Noli Me Tangere Street; on the E., by Lot 1409; on the S., by Lot 1406; and on the W., by a road Lot 1405. Point "1" is S.

21 deg. 29 min. E., 278.07 meters from BLLM Cad-393, Tanay Cadastre. Area nineteen (19) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Rizal, at its session to be held in the Municipality of Pasig, Province of Rizal, Philippines, on the 30th day of October, 1975 at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Ricardo L. Pronove, Jr., Judge of said Court, the 21st day of May, in the year 1975.

Issued at Quezon City, Philippines, this 26th day of May, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration

By: GREGORIO C. SEMBRANO
[25, 26] Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF RIZAL

Land Registration Case No. N-8788
LRC Record No. N-47028

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the District Land Office No. IV-1, 757 Gen. Solano, San Miguel, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, the General Manager, Laguna Lake Development Authority, Pasig, Rizal; the Municipal Mayor, the Municipal Council, Hilario Sienes, Mateo Villamor, Asuncion Magtaos, the Heirs of Paula Lualhati and Antonio Garcia, Antipolo, Rizal; and to all whom it may concern:

Whereas, an application has been presented to this Court by Evangeline M. Garcia and Domingo Panganiban, Antipolo, Rizal, thru Atty. Leonardo C. Rodriguez, Rosal St., Bayanihan Village, Ortigas Ave., Extension, Cainta, Rizal, to register and confirm their title to the following property:

A parcel of land (plan Psu-191717), with the improvements thereon, situated in the Barrio of Pantay, Municipality of Antipolo, Province of Rizal. Bounded on the NE., by properties of Hilario Sienes and Asuncion Magtaos; on the SE., by property of Mateo Villamor; and on the SW. and NW., by the Pantay River. Point "1" is N. 63 deg. 01 min. E., 5,175.00 meters from BLLM 1, Antipolo, Rizal. Area fifteen thousand two hundred thirty-eight (15,238) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Rizal, at its session to be held in the Municipality of Pasig, Province of Rizal, Philippines, on the 21st day of October, 1975, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Ricardo L. Pronove, Jr., Judge of said Court, the 8th day of May, in the year 1975.

Issued at Quezon City, Philippines, this 26th day of May, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration

By: GREGORIO C. SEMBRANO
[25, 26] Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF RIZAL

Land Registration Case No. N-8771
LRC Record No. N-47045

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the District Land Office No. IV-1, 757 Gen. Solano St., San Miguel, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer and the General Manager, Laguna Lake Development Authority, Pasig, Rizal; the Municipal Mayor and the Municipal Council, Baras, Rizal; Modesto Pangilinan, 146 Alejo St., Baras, Rizal; Eulogio Sexon % Mrs. Lydia S. Sagarra, 6 Manuel L. Quezon St., Tanay, Rizal; Primo Angkahan, 141 Ilaya St., Baras, Rizal; Za-

carias Angkahan, 77 Dulong Bayan St., Baras, Rizal; Gorgonia Macatangay, 40-A Fereira St., Baras, Rizal; Asuncion Macatangay 127 Ilaya St., Baras, Rizal; Aquilina Macatangay, Sebastian Macatangay, Miguel Macatangay, Hilario Macatangay, Rosenda Macatangay, Moises Angkahan, Rolando Javier, Biñan, Pagsanjan, Laguna; Ocrazon Santos, 13 Constanica, Tugatog, Malabon, Rizal; Trinidad Angkahan, 63 Katwiran St., Baras, Rizal; the Heirs of Jose Angkahan, Eliseo Cabandong, Eulogio Sexon, M. Mallare, Macario Ramirez, Florentino Velgado, Estado Velgado, Federico Robles and Jose dela Cruz, Tingting, Baras, Rizal; and to all whom it may concern:

Whereas, an application has been presented to this Court by Carlos V. Valencia, 13 Constanica, Tugatog, Malabon, Rizal, assisted by Atty. Vitaliano M. Gaces, Suite 345 Farmers Plaza, Cubao, Quezon City, to register and confirm his title to the following property:

A parcel of land (plan Psu-252705), situated in the Barrio of Tingting, Municipality of Baras, Province of Rizal. Bounded on the N. & NE., by the Tingting River; on the E. and SE., by an Alley and property of Eulogio Sexon; on the S., by an Alley and property of Modesto Pangilinan; and on the W., by the property of the Heirs of Jose Angkahan. Point "1" is N. 9 deg. 52 min. E., 2,675.53 meters from BLLM 1, Baras, Rizal. Area fifteen thousand (15,000) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Rizal, at its session to be held at the Branch XIX, Municipality of Pasig, Province of Rizal, Philippines, on the 9th day of October, 1975, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Carolina C. Griño-Aquino, Judge of said Court, the 8th day of May, in the year 1975.

Issued at Quezon City, Philippines, this 26th day of May, 1975.

Attest:

GREGORIO BILOG, JR.
Commissioner of Land Registration

By: GREGORIO C. SEMBRANO

Acting Chief, Docket Division

[25, 26]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF SAMAR

Land Registration Case No. N-102
LRC Record No. N-46960

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, the District Land Office No. VII-4, Catarman, Northern Samar; the Municipal Mayor, the Municipal Council, Genoveva Bohol, Gerardo Tapang, Pablo Paredes, Silvestra Balite, Conrado C. Carpina, Florentina Balite, Eulogia Sorio and Felipe Cenero, Bobon, Northern Samar; and to all whom it may concern:

Whereas, an application has been presented to this Court by Trinidad Gepollo Carpina, Bobon, Northern Samar, assisted by Atty. Amancio C. Ballicud, Catarman, Northern Samar, to register and confirm her title to the following property:

A parcel of land (plan Psu-209264), with the building & improvements thereon, situated in the Poblacion, Municipality of Bobon, Province of Samar. Bounded on the N., by Ermita Street; on the E., by properties of Gerardo Tapang, Pablo Paredes and Silvestra Balite; on the S., by San Isidro Street; on the W., by San Roque Street; and on the NW., by the property of Genoveva Bohol. Point "1" is S., 35 deg. 59 min. W., 68.52 meters from BLLM 1, Bobon, Samar. Area one thousand two hundred eighty-two (1,282) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Samar, at its session to be held at Branch IV, Municipality of Catarman, Province of Northern Samar, Philippines, on the 11th day of October, 1975 at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Juan Figueroa, District Judge of said Court, the 7th day of April, in the year 1975.

Issued at Quezon City, Philippines, this 26th day of May, 1975.

Attest:

GREGORIO BILOG, JR.
Commissioner of Land Registration

By: GREGORIO C. SEMBRANO
[25, 26] Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF ZAMBALES

Land Registration Case No. O-135
LRC Record No. N-46613

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, Iba, Zambales; the District Land Office No. III-4, Olongapo City; the Municipal Mayor, the Municipal Council, Agapito Mangosing, Jesus F. Magsaysay, Castillejos, Zambales; and Elena Mangosing, Looc, Castillejos, Zambales; and to all whom it may concern:

Whereas, an application has been presented to this Court by Jessmag, Inc. represented by Aniceta S. Pingol, Assistant Corporate Secretary, 7th Floor,

Ramon Magsaysay Center, Roxas Boulevard, Manila, assisted by Atty. Antonio P. Cacho, Iba, Zambales, to register and confirm its title to the following property:

A parcel of land (Lot 1610, Cad. 322-D, Castillejos Cadastre, plan-Ap-03-000850), situated in the Barrio of Looc, Municipality of Castillejos, Province of Zambales. Bounded on the NE., by Lot 2030 (Timber Land) on the SE., by property of Agapito Mangosing; and on the NW., by Lot 2030 (Timber Land) and a Public Land. Point "1" is S. 68 deg. 30 min. W., 7,095.67 meters from BLLM 1, Cad-322-D, Castillejos Cadastre. Area forty one thousand four hundred eighty-seven (41,487) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Zambales, at its session to be held at Branch III, City of Olongapo, Philippines, on the 28th day of October, 1975, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Domingo D. Panis, Judge of said Court, the 6th day of May, in the year 1975.

Issued at Quezon City, Philippines, this 26th day of May, 1975.

Attest:

GREGORIO BILOG, JR.
Commissioner of Land Registration

By: GREGORIO C. SEMBRANO
[25, 26] Acting Chief, Docket Division

Kawanihan ng mga Minahan (BUREAU OF MINES)

[FIRST PUBLICATION]

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF NATURAL RESOURCES
BUREAU OF MINES
MANILA

NOTICE OF APPLICATIONS OF "ACOJE MINING CO., INC." FOR FOUR (4) LODE PATENTS.

Notice is hereby given that, in accordance with the provisions of the Act of Congress of the United States of America of July 1, 1902, as amended, Act No. 624 of the Philippine Commission and Commonwealth Act No. 137, as amended, and the rules and regulations promulgated thereunder, "ACOJE MINING CO., INC." a legal entity duly organized and existing under the laws of the Philippines, with postal address at 2283 Pasong Tamo Extension, Makati, Rizal has filed four (4) applications (LPA Nos. V-491, V-492, V-493 and V-494 for mineral patents covering "CREPUSCULO", "CONSTANCIA", "CENTAURO", and "CANCERBERO" lode mining claims, described as follows:

(LPA No. V-491)

Name of Claim: "CREPUSCULO".

Date Registered: January 5, 1935.

Location: Sitio of Pasicar, barrio of Luca-
pon, municipality of Sta. Cruz, province of
Zambales, island of Luzon.

Tie Line: Beginning at a point marked "1"
on plan Lp-1559-D being S. 70 deg. 27 min.
E., 15,623.93 meters from BLLM No. 1,
Cad-316-D, Sta. Cruz, Zambales.

Boundaries:

North—"TERSO" min. claim (Lp-1509-D)
Acoje Mining Co., Inc.,

East—"ALBORADA" min. claim (Lp-
1209-D) Acoje Mining Co., Inc.,

South—Public Land,

West—Public Land,

Area: 9.0000 hectares.

Survey Plan No.: Lp-1559-D.

(LPA No. V-492)

Name of Claim: "CONSTANCIA".

Date Registered: February 9, 1935.

Location: Sitio of Pasicar, barrio of Luca-
pon, municipality of Sta. Cruz, province of Zam-
bales, island of Luzon.

Tie Line: Beginning at a point marked "1" on
plan Lp-1558-D being S. 70 deg. 34' E.,

17,521.20 meters from BLLM No. 1, Cad-
316-D, Mun. of Sta. Cruz, Zambales.

Boundaries:

North—"FIRMEZA" min. claim (Lp-1242-
D) Acoje Mining Co., Inc.,

East—Public Land,

South—"AURIFERO" min. claim (Lp-
1249-D) Acoje Mining Co., Inc.,

West—"PROGRESIVO" min. claim (Lp-
1488-D) Acoje Mining Co., Inc.

Area: 9.0000 hectares.

Survey Plan No.: Lp-1558-D.

(LPA No. V-493)

Name of Claim: "CENTAURO".

Date Registered: August 21, 1934.

Location: Sitio of Pasicar, barrio of Luca-
pon, municipality of Sta. Cruz, province of
Zambales, island of Luzon.

Tie Line: Beginning at a point marked "1" on
plan Lp-1248-D being S. 66 deg. 18 min. E.,
16,734.23 meters from BLLM No. 1, Cad-
316-D, Mun. of Sta. Cruz, Zambales.

Boundaries:

North—"CANCERBERO" min. claim (Lp-
1561-D) Acoje Mining Co., Inc.,

East—"IDEAL" min. claim (Lp-1500-D)
Acoje Mining Co., Inc.,

South—"GRAY" min. claim (Lp-4481-D)
Acoje Mining Co., Inc.,

West—"WHITE" min. claim (Lp-4520-
D) Acoje Mining Co., Inc.

Area: 9.0000 hectares.

Survey Plan No.: Lp-1248-D.

(LPA No. V-494)

Name of Claim: "CANCERBERO"

Date Registered: August 21, 1934.

Location: Sitio of Pasicar, barrio of Luca-
pon, municipality of Sta. Cruz, province of Zam-
bales, island of Luzon.

Tie Line: Beginning at a point marked "1"
on plan Lp-1561-D being S. 67 deg. 15 min.
E., 16,615.38 meters from BLLM No. 1, Cad-
316-D, Mun. of Sta. Cruz, Zambales.

Boundaries:

North—"LANGOR" min. claim (Lp-1241-
D) Acoje Mining Co., Inc.,

East—"VIDA" min. claim (Lp-1490-D)
Acoje Mining Co., Inc.,

South—"CENTAURO" min. claim (Lp-1248-D) Acoje Mining Co., Inc.,

West—"GREEN" min. claim (Lla-4521-D) Acoje Mining Co., Inc.

Area: 9.0000 hectares.

Survey Plan No.: Lp-1651-D.

The claims applied for are more fully described as to metes and bounds on the official survey plan Nos. Lp-1559-D, Lp-1558-D, Lp-1248-D and Lp-1561-D, copies of which are posted on a conspicuous place within the boundaries of the claims, technical description and final notes of survey thereof which are no filed in the Bureau of Mines, Manila.

Any and all persons having adverse claims to the above-mentioned application covering the mining claims, grounds, vein, lode, premises, or any portion thereof, so described, surveyed, platted and applied for, are hereby notified that unless their

adverse claims are duly filed with the Director of Mines, Herran St., Manila, or with the Mining Recorder, Iba, Zambales, during the period of sixty (60) days, to be reckoned immediately after the first publication (June 17, 1975), according to law, rules and regulations above-mentioned, such adverse claims will be forever barred by virtue of the provisions of the same mining laws, rules and regulations. Adverse claims should be furnished the patent applicant by the adverse claimant by registered mail.

For further particulars regarding the mineral claims and the conditions of the patents, apply to the Chief Legal Officer, Bureau of Mines, Herran St., Malate, Manila.

Manila, Philippines, June 9, 1975.

(Sgd.) JUANITO C. FERNANDEZ

[25-33]

Director of Mines

Bayan ng Bauan
(MUNICIPALITY OF BAUAN)

[FIRST PUBLICATION]

REPUBLIC OF THE PHILIPPINES
MUNICIPALITY OF BAUAN
BATANGAS

OFFICE OF THE TREASURER

June 23, 1975

ADVERTISEMENT

Sealed bids, in triplicate copies on the form to be furnished by this office, will be received in the Office of the Municipal Treasurer, Bauan, Batangas until 10:00 A.M. on July 15, 1975 and then publicly opened, for the furnishing of all labor and materials for the following:

1. Construction of Home Economics Building at Bo. Locloc, Bauan, Batangas;
2. Construction of Industrial Arts Building at Bo. Manghiniao Elementary School, Bauan, Batangas.

All in accordance with the plans and specifications.

Full particulars regarding bid bond, other prerequisites, conditions and specifications and the Proposal Form may be obtained from this Office by any prospective bidder upon request.

(Sgd.) WENCESLAO SANDOVAL

[25, 26] Municipal Treasurer

Kagawaran ng Repormang Pansakahan
(DEPARTMENT OF AGRARIAN REFORM)

INVITATION TO BID

Sealed bids, in three (3) copies, on land capability and classification mapping with the use of aerial photographs of the following projects will be received by the Secretary, Department of Agrarian Reform, Diliman, Quezon City not later than 10:00 A.M. on June 30, 1975:

Project	Location	Area (Ha.)	Period to (Calendar Days)
Project I—75	Tarlac	224,382	360
Project II—75	Eastern Pangasinan	250,000	360
Project III—75	Iloilo	312,511	360

All bids shall be on per hectare basis, including hemelots.

Bids on the above projects will be opened promptly at 10:15 A.M.

Said projects shall be undertaken in accordance with the specifications and existing laws and regulations governing land surveys in the Philippines. The Contractor shall submit to the Department of Agrarian Reform the complete mapping records required in the specifications, instructions and mapping regulations. For further particulars, see the Chief, Land Capability & Classification Surveys Division, Department of Agrarian Reform, Diliman, Quezon City. Pre-qualification statements are to be submitted not later than June 25, 1975.

Each bid shall be contained in a sealed envelope which shall be plainly marked and addressed as follows:

The Secretary

Department of Agrarian Reform

Diliman, Quezon City

Bid submitted by

for survey of

to be opened on, 1975 in the Office of the Secretary,

Department of Agrarian Reform

The right to reject and cancel any or all bids and to waive any informalities in bids received by the Department of Agrarian Reform.

(Sgd.) CONRADO F. ESTRELLA
Secretary

Philippine Coconut Authority

REPUBLIC OF THE PHILIPPINES
PHILIPPINE COCONUT AUTHORITY

June 18, 1975

ADVERTISEMENT

Sealed bids in single copy on the form to be furnished by the Philippine Coconut Authority, Agricultural Research Department, Bago-Oshiro, Davao City, will be received until 11:00 A.M. on June 26, 1975, and then publicly opened for the construction of staff houses in compliance with Plans and Specifications of the Philippine Coconut Authority.

Financial Requirements:

Cash 5% of bid for each category
Credit Line 10% of bid for each category
Deadline for submittal of PRE C-1 & PRE C-2 June 20, 1975

Full particulars regarding bid bonds, other prerequisite conditions and specifications may be obtained from the Philippine Coconut Authority, Agricultural Research Department, Bago-Oshiro, Davao City, by any prospective bidder upon request.

(Sgd.) E. C. GOPEZ
Acting Administrator

Lupon ng Pamumuhunan
(BOARD OF INVESTMENTS)

[FIRST PUBLICATION]

REPUBLIC OF THE PHILIPPINES
OFFICE OF THE PRESIDENT
BOARD OF INVESTMENTS
ORTIGAS BUILDING, ORTIGAS AVENUE
PASIG, RIZAL, PHILIPPINES

NOTICE

Notice is hereby given that pursuant to Section 4 of Republic Act No. 5455, HOOKER INTERNATIONAL HOLDING PTY. LTD., an Australian corporation, with office address at 6760 Ayala Avenue, Makati, Rizal, % SGV & CO., has filed with the Board of Investments an application for a license to establish a Philippine branch to enter into joint venture with local groups to undertake property development projects and to enter into service contracts to render management services in property development and related activities. The business is capitalized at US\$5,000,000.00 or its equivalent in Philippine currency.

This application shall be considered as approved and such approval shall be effective only after fifteen (15) days from the last date of publication and upon submission of proofs of publication of this notice and compliance with the other requirements of R.A. 5455 and its implementing rules and regulations. This is, further, subject to the following conditions:

- 1) That applicant firm shall submit the required proof of reciprocity;
- 2) That it shall limit its investments to existing domestic companies engaged in property development, which investment shall at all times be in accordance with the rules on permitted and permissible investments, and within the Constitutional limitations on foreign equity in companies owning land in the Philippines;
- 3) That it shall not at any time invest in a company if such investments shall result in a foreign equity participation exceeding 40% of said company's total outstanding capital;
- 4) That it shall limit its management and technical services to property development companies in which it has substantial loans and/or significant equity investments to protect;
- 5) That it shall submit an annual report of its business activities (using BOI Form No. 5032) on or before March 31 of each year; and

085158—14

- 6) That as its capital the firm shall bring in as represented foreign currency of at least US\$5,000,000.00 by December 31, 1975.

May 9, 1975, Pasig, Rizal, Philippines.

(Sgd.) ROBERTO C. CONCEPCION, JR.
[25-27] Board Secretary

REPUBLIC OF THE PHILIPPINES
OFFICE OF THE PRESIDENT
BOARD OF INVESTMENTS
ORTIGAS BUILDING, ORTIGAS AVENUE
PASIG, RIZAL, PHILIPPINES

NOTICE

Notice is hereby given that pursuant to Section 4 of Republic Act No. 5455, TONG HONG PRESS Co., a Chinese partnership organized under the laws of the Philippines, with office address at 547 F. Torres Street, Sta. Cruz, Manila, has filed with the Board of Investments an application for a license as a partnership to continue the single proprietorship business of the printing press of the deceased Kwok Go as his forced heirs. The business is capitalized at P124,670.15, Philippine currency.

This application shall be considered as approved and such approval shall be effective only after fifteen (15) days from the last date of publication and upon submission of proofs of publication of this notice and compliance with the other requirements of R.A. 5455 and its implementing rules and regulations. This is, further, subject to the following conditions:

- 1) That it shall not expand into another business activity without prior BOI approval; and
- 2) That it shall submit an annual report of its business activities (using the prescribed BOI Form No. 5032) on or before March 31 of each year.

May 22, 1975, Pasig, Rizal, Philippines.

(Sgd.) ROBERTO C. CONCEPCION, JR.
[25-27] Board Secretary

REPUBLIC OF THE PHILIPPINES
OFFICE OF THE PRESIDENT
BOARD OF INVESTMENTS
ORTIGAS BUILDING, ORTIGAS AVENUE
PASIG, RIZAL, PHILIPPINES

NOTICE

Notice is hereby given that pursuant to Section 4 of Republic Act No. 5455, CHARAN SINGH, a citizen of India, with office address at 155 C.M. Recto Avenue, Davao City, has filed with the Board of Investments an application for a license to continue to engage in the retail of general merchandise. The business is capitalized at ₱12,770.00, Philippine currency, and is actually a conversion of his peddling business to retail of general merchandise with a permanent store.

This application shall be considered as approved and such approval shall be effective only after

fifteen (15) days from the last date of publication and upon submission of proofs of publication of this notice and compliance with the other requirements of R.A. 5455 and its implementing rules and regulations. This is, further, subject to the following conditions:

- 1) That he shall not expand into another line of business without prior BOI approval; and
- 2) That he shall submit an annual report of his business activities (using the prescribed BOI Form No. 5032) on or before March 31 of each year.

May 6, 1975, Pasig, Rizal, Philippines.

(Sgd.) ROBERTO C. CONCEPCION, JR.
[25-27] Board Secretary

MGA PAHAYAG NA LEGAL AT OPISYAL

(LEGAL AND OFFICIAL NOTICES)

Hukumang Unang Dulugan

(COURT OF FIRST INSTANCE)

[LAST PUBLICATION]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF CAPIZ
ELEVENTH JUDICIAL DISTRICT
BRANCH IV

CADASTRAL CASE NO. 10 GLRO CADASTRAL RECORD
No. 384 Lots Nos. 3810 and 3967, both of Dao
Cadastre.—Reconstitution Case No. 1382

ANA VDA. DE DENUSTA, petitioner

NOTICE OF HEARING

To: Atty. Alfredo B. Gaticales, R. Mapa St.,
Manduriao, Iloilo City; Leon Catalan, Ambro-
cio de Felix, Juan Homsusan, Benigno de la
Cruz, Faustino Esmeralda, and Exequiel Deo-
campo, all of Cuartero, Capiz; Catagbakan
Creek, % the Municipal Mayor, Cuartero, Capiz;
and to whom it may concern:

Whereas, a petition was filed before this Court
under the provision of Republic Act 26, by Atty.
Alfredo B. Gaticales, counsel for the herein peti-
tioner for the reconstitution of Original Certificates
of Title, alleged to have been lost or destroyed on
file in the Office of the Register of Deeds of Capiz,
as well as their duplicate copies as a result of
the last world war. The said lots are bounded
and described as follows:

“A parcel of land (Lot No. 3810, of the
cadastral survey of Dao), situated in the
Barrio of Maindang, municipality of Dao, Province
of Capiz. Bounded on the E., along line
1-2 by Lot 3811; on the SE., along line 2-3,
by Lot 3812; along line 3-4, by Lot No. 3813;
and along line 4-5, by Lot 3814; on the SW.,
along lines 5-6-7, by Lot 3818; on the W., and
NW., along lines 7-8-9-10, by Lot 3415; on
the NW., along lines 10-11-12, by Lot 3809;
and on the NE., and E., along lines 12-13-14-1,
by Lot 5355, all of Dao Cadastre. Containing
an area of seventeen thousand seven hundred
fifty-nine (17,759) square meters, more or
less.”

“A parcel of land (Lot No. 3967 of the cadas-
tral survey of Dao, and shown on Plan Ap-
2140, L.R.C. Cad. Rec. No. —, situated in
the barrios of Maindang and Agda-jon, munic-
ipality of Dao, province of Capiz. Bounded on
the E., along line 1-2, by Lot 3964 of Dao Ca-
dastre; along lines 2-5, by Lot 3968 of Dao
Cadastre; along line 5-6, by Lot 3969 of Dao

Cadastre; along line 6-7, by 3692 of Dao Ca-
dastre; along line 7-8, by Lot 3949 of Dao
Cadastre; and along lines 8-11, by Lot 3966
of Dao Cadastre; and along line 11-1, by Lot
3965 of Dao Cadastre. Containing an area of
fifty six thousand four hundred eleven (56,411)
square meters.”

Therefore, you are hereby given notice that the
said petition has been set for hearing on the 3rd
day of October, 1975, at 8:00 o'clock in the morning,
in the session hall of Branch IV of this Court,
Provincial Capitol in Roxas City, in which date,
time and place you should appear and file your
objections or claims if you have any to the petition.

Witness, the Honorable Fidencio S. Raz, Judge of
this Court, this 10th day of April, 1975.

(Sgd.) ANDRES E. DONATO, JR.
Deputy Clerk of Court

[24, 25]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF CAVITE
SEVENTH JUDICIAL DISTRICT

LRC Record No. 1331—Petition for Reconstitution
of Title

BIENVENIDO CASTRO, et al., petitioners
NOTICE OF HEARING

A petition has been filed by petitioners, alleging
among other things, that they are the legal heirs
of Celedonio Castor, the registered owner of Lot
Nos. 202 and 301 of Ternate Cadastre; that the
only owner's copies of the titles to said lots were
lost while their original were burned on June
7, 1959; that the lands are not affected by any
lien or encumbrance and praying that the Register
of Deeds of Cavite be ordered to reconstitute the
titles.

Notice is hereby given that the said petition
has been set for hearing on July 30, 1975 at
8:30 a.m., in this Court, Br. I, Trece Martires
City, on which date, hour and place, any person
interested is cited to appear and show cause why
the petition should not be granted.

Let this notice be published twice in the *Official
Gazette*.

Trece Martires City, June 3, 1975.

(Sgd.) PROCESO P. SILANGCRUZ
Clerk of Court

[24, 25]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF COTABATO
SIXTEENTH JUDICIAL DISTRICT
FIRST BRANCH
COTABATO CITY

SPECIAL PROCEEDINGS CASE No. 181 B.L. PLAN No. H-180934—In Re: Petition for the Reconstitution of Homestead, Patent Original Certificate of Title No. (N.A.) in the Name of LANDION FILANDUK.

NICANOR CARUGDA, petitioner

NOTICE

To: Nicanor Carugda, petitioner, Bugabuñgan, Upi, Maguindanao; Pedro Peñaflorida, Bugabuñgan, Upi, Maguindanao; Diosdado Bello, Bugabuñgan, Upi, Maguindanao; Heirs of Aniceto Bello, Bugabuñgan, Upi, Maguindanao; Nicolas Carugda, Bugabuñgan, Upi, Maguindanao; Guamila Filanduk, Bugabuñgan, Upi, Maguindanao; The Register of Deeds of Maguindanao Province, Cotabato City; and to all whom it may concern:

Whereas, a petition dated May 20, 1974, has been filed with this Court under the provisions of Republic Act No. 26, by Nicanor Carugda of Bugabuñgan, Upi, Maguindanao, for the reconstitution of homestead patent Original Certificate of Title No. (N.A.), issued in the name of Landion Filanduk by the Register of Deeds of Cotabato, alleged to have been lost or destroyed in his office covering the land described in B.L. Plan No. H-180934, situated in Bugabuñgan, Upi, Maguindanao, and bounded:

on the North, by Public Land occupied by Guamila Filanduk; on the East, by property of Pedro Peñaflorida; on the South, by Public Land occupied by Diosdado Bello; on the West, by property of Aniceto Bello; and on the Northwest, by property of Nicolas Carugda (H-134045;

with an area of 222,138 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on September 4, 1975, at 8:30 A.M. before this Court in its session hall in Cotabato City, on which date, time and place, you should appear and file your claims or objection, if you have any to the petition.

Witness, the Honorable Glicerio V. Carriaga, Jr., Judge of said Court this 23rd day of May, 1975.

(Sgd.) BENJAMIN N. MUÑASQUE
Clerk of Court

By: EMILIANO G. DE VERA
Deputy Clerk of Court

[24, 25]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF COTABATO
SIXTEENTH JUDICIAL DISTRICT
FIRST BRANCH
COTABATO CITY

SPECIAL PROCEEDINGS CASE No. 182 B.L. PLAN No. H-134045—In re: Petition for the Reconstitution of Homestead Patent Original Certificate of title No. 2010 in the name of NICOLAS CAROGDA.

NICANOR CARUGDA, petitioner

NOTICE

To: Nicanor Carugda, petitioner, Upi, Maguindanao; Landion Lambitan Bugabuñgan, Upi, Maguindanao; Manuel Bello Bugabungan, Upi, Maguindanao; The Municipal Mayor (for the proposed Barrio Site) Upi, Maguindanao; The District Land Officer (for the Public Landmountain) Cotabato City; The Register of Deeds of Maguindanao Province—Cotabato City; and to all whom it may concern:

Whereas, a petition dated May 20, 1974, has been filed with this Court under the provisions of Republic Act No. 26, by Nicanor Carugda of Bugabuñgan, Upi, Maguindanao, for the reconstitution of homestead patent Original Certificate of Title No. 2010 issued in the name of Nicolas Carogda by the Register of Deeds of Cotabato, alleged to have been lost or destroyed in his office covering the land described in B.L. Plan No. H-134045, situated in Bugabuñgan, Upi, Maguindanao, and bounded:

on the North, by Public Land (Mountain); on the East, by property of Landion Lambitan; on the South, by property of Manuel Bello; and on the West, by the Municipal Government of Upi (for the proposed Barrio Site, % of the Municipal Mayor Upi, Maguindanao; with an area of 189,217 square meters, more or less.

Therefore, you are hereby given notice that said petition has been set for hearing on September 4, 1975, at 8:30 a.m. before this Court in its session hall in Cotabato City, on which date, time and place, you should appear and file your claims or objections, if you have any, to the petition.

Witness, the Honorable Glicerio V. Carriaga, Jr., Judge of said Court this 23rd day of May, 1975.

BENJAMIN N. MUÑASQUE
Clerk of Court

By: EMILIANO G. DE VERA
Deputy Clerk of Court

[24, 25]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF ILOILO
ELEVENTH JUDICIAL DISTRICT

CADASTRAL CASE No. 29 GLRO RECORD No. 488 Lot
No. 733 (Passi)

FERMIN PACLIBAR, et al., petitioners

NOTICE

To: Fermin Paclibar, et al., San Enrique, Iloilo;
The Commissioner, Land Registration Commission;
The Provincial Land Office, Iloilo City;
the Register of Deeds of Iloilo and to all these
may concern:

GREETINGS:

A verified petition has been filed with this Court for the reconstitution of Original Certificate of Title covering Lot No. 733 of Passi Cadastre alleging among other things that they are the only children of the late Filomena Paez, the owner of Lot No. 733 of the Cadastral Survey of Passi, Iloilo; that although they may not be in possession of any certificate of title and neither does the records of the Register of Deeds of Iloilo the records of the Land Registration Commission has issued Decree No. 168716 dated Jan. 8, 1925 pursuant to the decision dated Feb. 23, 1924; that no co-owner's, mortgagee's or lessee's duplicate had been issued or if any had been issued, the same has been lost or destroyed; and that the owners of the adjoining lot are, Pacifico, Ernesto and Jesus, all surnamed Paclibar all residents of Cabugao, San Enrique, Iloilo and Rosario Pama of San Enrique, Iloilo.

Wherefore, notice is hereby given that the above-entitled case be set for hearing on August 20, 1975 at 8:30 a.m. before Branch II, Court of First Instance of Iloilo. Let this Notice be published in the *Official Gazette* and to be posted at the main entrance of the Provincial Capitol, Iloilo City and at any conspicuous place of Passi, Iloilo pursuant to the provisions of Republic Act 26. Also furnished copies to Pacifico Paclibar, Ernesto Paclibar, Jesus Paclibar and Rosario Pama, all of San Enrique, Iloilo.

Witness, the Honorable Executive Judge, Honorable Sancho Y. Inserto, this 9th day of May, 1975.

(Sgd.) MAGDALENA G. LOREDO
Deputy Clerk of Court

[24, 25]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF LAGUNA
EIGHTH JUDICIAL DISTRICT
BRANCH IV

CADASTRAL CASE No. 10 GLRO CADASTRAL RECORD
No. 201 Lot 3352, Longos Cadastre—In Re:
Petition for Reconstitution of Title.

Spouses FELIZARDO BAGAYAN and
ROSARIO ACUEZA, petitioners

NOTICE

To: The Register of Deeds, Sta. Cruz, Laguna;
Atty. Nonia de la Peña, Sta. Cruz, Laguna;
Donata Agana; Margarita Abucejo; Mariano
Acobera; Pedro Abucejo and Faustino Abucejo;
all of Kalayaan, Laguna; and to all
whom these may concern:

Whereas, the above-named petition for reconstitution of Torrens title, filed with this Court, alleges that Original Certificate of Title No. (not available) of the land records of Laguna, issued in the name of Mariano Cabuena, covered a parcel of land particularly described as follows:

"A parcel of land (Lot 3352, Cad. 76, Longos Cadastre, GLRO Cad. Rec. No. 201), situated in the Barrio of Yunot, Municipality of Longos, Province of Laguna, Island of Luzon. Bounded on the NW., by Lots 3350 and 3163; on the N., by Lot 3353; on the NE., by Lot 3354; on the SE., by Lots 3346 and 3348; and on the SW., by Lot 3349, all of Cad. 76, Longos Cadastre. * * *; containing an area of fifteen thousand eight hundred one (15,801) square meters."

that the original as well as the owner's duplicate thereof were either lost or destroyed during the last world war; and that the petitioners have acquired ownership of the land by purchase;

Therefore, you are hereby given notice that the petition is set for hearing on October 21, 1975 at 8:00 a.m., before the Fourth Branch of this Court in Sta. Cruz, Laguna; on which date, time and place you should appear to file and establish your claim or objection, if any you have, to the petition.

Witness, the Honorable Maximo A. Maceren, Judge of the said Court, on this 15th day of April, 1975.

(Sgd.) FRANCISCO S. ABELLA
Clerk of Court

[24, 25]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF LAGUNA
EIGHTH JUDICIAL DISTRICT
BRANCH IV

CADASTRAL CASE No. 10 GLRO CADASTRAL RECORD
No. 201 Lot 3168, Longos Cadastre—In Re:
Petition for Reconstitution of Title.

ESPERIDION RODRIGUEZ, petitioner

NOTICE

To: The Register of Deeds, Sta. Cruz, Laguna;
Atty. Nonia de la Peña, Sta. Cruz, Laguna;
Atanasio Yapana; Mariano Acobera; Gregoria
Laforga; Sps. Anselmo Flores and Vicenta Va-
liente; Catalina Asedillo; Pedro Yapana and
Honorio Laforga; all of Kalayaan, Laguna;
and to all whom these may concern:

Whereas, the above-named petition for reconsti-
tution of Torrens title, filed with this Court, alleges
that Original Certificate of Title No. (not available)
of the land records of Laguna, issued in the name
of Esperidion Rodriguez of San Antonio, Kalayaan,
Laguna, covered a parcel of land particularly des-
cribed as follows:

"A parcel of land (Lot 3168 of the cadastral
survey of Longos, GLRO Cad. Record No. 201),
situated in the Barrio of Malaking Pulo, Munic-
ipality of Longos (now Kalayaan), Province
of Laguna. Bounded on the N., by Lots 3167
and 3310; on the E., by Lots 3309 and 3308;
on the S., by Lot 3280; and on the W., by Lot
3164, all of Cad-76, Longos Cadastre. * * *;
containing an area of sixteen thousand four
hundred fourteen (16,414) square meters."

that the original as well as the owner's duplicate
thereof were either lost or destroyed during the
last world war;

Therefore, you are hereby given notice that the
petition is set for hearing on October 21, 1975 at
8:00 a.m., before the Fourth Branch of this Court
in Sta. Cruz, Laguna; on which date, time and
place you should appear to file and establish your
claim or objection, if any you have, to the peti-
tion.

Witness, the Honorable Maximo A. Maceren,
Judge of the said Court, on this 16th day of April,
1975.

(Sgd.) FRANCISCO S. ABELLA
Clerk of Court

[24, 25]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF LAGUNA
EIGHTH JUDICIAL DISTRICT
BRANCH IV

CADASTRAL CASE No. 44 GLRO CADASTRAL RECORD
No. 1942 Lot 1072, Sta. Cruz Cadastre—In Re:
Petition for Reconstitution of Title.

Spouses JOSE PACOMA and OFELIA ROBINA
Petitioners

NOTICE

To: The Register of Deeds, Sta. Cruz, Laguna;
Sps. Jose Pacoma and Ofelia Robina; Vicente
F. Guilatco and the Municipal Mayor, all of
Sta. Cruz, Laguna; and to all whom these may
concern:

Whereas, the above-named petition for reconsti-
tution of Torrens title, filed with this Court, alleges
that Original Certificate of Title No. (not available)
of the land records of Laguna, issued in the name
of Jose Igualada of Sta. Cruz, Laguna covered a
parcel of land particularly described as follows:

"A parcel of land (Lot 1072 of the cadastral
survey of Sta. Cruz, Cad-278, LRC Record
No. —), situated in the Barrio of Sto. Angel,
Municipality of Sta. Cruz, Province of Laguna.
Bounded on the SW., by Road; on the NW.,
by Lot 1071 of Cad-278, Sta. Cruz Cad.; on
the NE., by River; and on the SE., by Road.
* * *; containing an area of one hundred
fifty-five (155) square meters."

that the original as well as the owner's duplicate
thereof were either lost or destroyed during the
last world war; and that petitioners have acquired
ownership of the land by purchase;

Therefore, you are hereby given notice that the
petition is set for hearing on November 17, 1975
at 8:00 a.m., before the Fourth Branch of this
Court in Sta. Cruz, Laguna; on which date, time
and place you should appear to file and establish
your claim or objection, if any you have, to the
petition.

Witness, the Honorable Maximo A. Maceren,
Judge of the said Court, on this 12th day of May,
1975.

(Sgd.) FRANCISCO S. ABELLA
Clerk of Court

[24, 25]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF LAGUNA
EIGHTH JUDICIAL DISTRICT
BRANCH IV

CADASTRAL CASE No. 44 GLRO CADASTRAL RECORD
No. 1942 Lot 1831, Sta. Cruz Cadastre—In Re:
Petition for Reconstitution of Title.

ZOILO ESTRADA, petitioner

NOTICE

To: The Register of Deeds, Sta. Cruz, Laguna;
Atty. Nonia de la Peña; Serafin Estrada; Li-

wayway P. Palomique; Victor Salvador and the Municipal Mayor, all of Sta. Cruz, Laguna; and to all whom these may concern:

Whereas, the above-named petition for reconstitution of Torrens title, filed with this Court, alleges that Original Certificate of Title No. (not available) of the land records of Laguna, issued in the names of the spouses Zoilo Estrada and Asuncion Agor of Sta. Cruz, Laguna, covered a parcel of land particularly described as follows:

"A parcel of land (Lot No. 1831 of the Cadastral Survey of Santa Cruz), with the improvements thereon, situated in the Barrio of Sto. Angel Norte, Municipality of Santa Cruz. Bounded on the NE., by a road; on the E., by Lot No. 1215; on the SW., by Lot No. 1217; and on the W., by Lot No. 1216. * * *; containing an area of one hundred thirteen (113) square meters."

that the original as well as the owners' duplicate thereof were either lost or destroyed during the last world war;

Therefore, you are hereby given notice that the petition is set for hearing on September 25, 1975 at 8:00 a. m., before the Fourth Branch of this Court in Sta. Cruz, Laguna, on which date, time and place you should appear to file your claim or objection, if any you have, to the petition.

Witness, the Honorable Maximo A. Maceren, Judge of the said Court, on this 20th day of May, 1975.

(Sgd.) FRANCISCO S. ABELLA
Clerk of Court

[24, 25]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF LAGUNA
EIGHTH JUDICIAL DISTRICT
BRANCH IV

LAND REGISTRATION CASE No. 878 GLRO RECORD
No. 24101—In Re: Petition for Reconstitution
of Title.

JOSE M. KARAGDAG, petitioner

NOTICE

To: The Register of Deeds, Sta. Cruz, Laguna;
Atty. Nonia de la Peña, Sta. Cruz, Laguna;
Hrs. of Elisea Ong-teco; Hrs. of Mariano Tesoro and the Municipal Mayor, all of Sta. Cruz, Laguna; and to all whom these may concern:

Whereas, the above-named petition for reconstitution of Torrens title, filed with this Court, alleges that Original Certificate of Title No. (not available) of the land records of Laguna, issued in the names of the spouses Juan Balasico and Servanda Miranda of Sta. Cruz, Laguna, covered a parcel of land particularly described as follows:

"A parcel of land (Plan Psu-19903), with the building thereon, situated in the Poblacion,

Municipality of Santa Cruz. Bounded on the NE., and NW., by property of Elisea Ong-teco; on the SE., by property of Mariano Tesoro; and on the SW., by the A. Regidor Street. * * *; containing an area of eighty-eight (88) square meters, more or less."

that the original as well as the owner's duplicate thereof were either lost or destroyed during the last world war; and that the petitioner has acquired ownership of the land by inheritance;

Therefore, you are hereby given notice that the petition is set for hearing on November 18, 1975 at 8:00 a.m., before the Fourth Branch of this Court in Sta. Cruz, Laguna, on which date, time and place you should appear to file your claim or objection, if any you have, to the petition.

Witness, the Honorable Maximo A. Maceren, Judge of the said Court, on this 23rd day of May, 1975.

(Sgd.) FRANCISCO S. ABELLA
Clerk of Court

[24, 25]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF LAGUNA
EIGHTH JUDICIAL DISTRICT
BRANCH I, BIÑAN

GLRO RECORD No. 8375—In Re: Judicial Reconstitution of Transfer Certificate of Title No. (N.A.), covering Lot No. 151 of the Santa Rosa Estate.

CONRADO ALINSOD, petitioner

NOTICE

To: The Register of Deeds, Calamba, Laguna; Conrado Alinsod, Santa Rosa, Laguna; Jose Dia, Santa Rosa, Laguna; Cecilio Cartagena, Santa Rosa, Laguna; Irrigation Canal, NIA, Office, Santa Rosa, Laguna; The Municipal Mayor, Santa Rosa, Laguna; and to all whom it may concern:

Whereas, a petition was filed under the provisions of Republic Act No. 26 by the above-named petitioner for the reconstitution of Transfer Certificate of Title No. (N.A.) covering Lot No. 151 of the Sta. Rosa Estate Subdivision in the name of Ciriaco Alinsod and Paulino Encina (the legal Hrs. of Florencia Alacdan, deceased) that the owner's duplicate copy as well as the original of the said title were allegedly destroyed during the past war, covering a parcel of land, more particularly described as follows:

"A parcel of land (Lot 151, Sta. Rosa Estate, LRC Record No.), situated in the Poblacion, Municipality of Sta. Rosa, Province of Laguna. * * *; containing an area of six hundred thirty-seven (637) square meters."

Therefore, you are hereby given notice that the petition is set for hearing on September 30, 1975 at 8:30 a.m. before this Court of Biñan, Laguna, on which date, time and place you should appear to file your claim or objection, if any you have thereto.

Witness, the Hon. Herminio A. Avendaño, Judge of said Court, this 21st day of April, 1975 at Biñan, Laguna.

[24, 25] (Sgd.) VIRGILIO T. MARAMBA
Senior Deputy Clerk of Court

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF LAGUNA
EIGHTH JUDICIAL DISTRICT
BRANCH II

CADASTRAL CASE No 9 GLRO RECORD No. 200 Lot No. 998, Pagsanjan Cadastre.—In Re: Petition for Judicial Reconstitution of Original Certificate of Title No. (N.A.).

ELENA T. GAUNA, petitioner

NOTICE OF HEARING

To: The Register of Deeds, Santa Cruz, Laguna; Elena T. Gauna, 974 J. Rizal Street, Makati, Rizal; Romana Unson, Ponciano de Quinto, Ignacio Abary and Zacarias Vidal, all of Pagsanjan, Laguna; and to all whom these may concern:

Whereas the above-named petition for reconstitution of Torrens Title alleges that Original Certificate of Title No. (not available) of the land records of Laguna, issued in the name of Marciana de los Santos covered a parcel of land particularly described as follows:

"A parcel of land (Lot 998 as shown on plan—of the cadastral survey of Pagsanjan, LRC Cad. Record No. 200), situated in the Barrio of Magdapio, Municipality of Pagsanjan, Province of Laguna. Bounded on the E. by Lot 999; on the S. SW. and W by Road; on the N. by Lots 997, 1002; and on the E. by Lots 1000 and 999, all of Cad-69, Pagsanjan Cadastre. Containing an area of six thousand one hundred eighty-three (6,183) square meters."

that the original as well as the owner's duplicate thereof were lost or destroyed during the last world war; and that the petitioner is a granddaughter of the registered owner;

Therefore you are hereby given notice that the petition is set for hearing on July 17, 1975 at 8:30 a.m. before the Second Branch of this Court in Santa Cruz, Laguna, on which date, time and

place, you should appear to file and establish your claim or objection, if any you have to the petition.

Witness, the Honorable Gabriel V. Velero, Judge of this Court, this 28th day of January, 1975 at Santa Cruz, Laguna.

[24, 25] (Sgd.) FRANCISCO S. ABELLA
Clerk of Court

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE
OF NEGROS OCCIDENTAL
TWELFTH JUDICIAL DISTRICT
BRANCH VI—HIMAMAYLAN

CADASTRAL CASE No. 37 LRC CADASTRAL RECORD No. 972 Lot No. 177, Cauayan Cadastre.—Reconstitution of Original Certificate of Title No. (NA)

EUGENIO C. MAGADA, petitioner

NOTICE

To: Eugenio Magada, Sotero Magada, Valeriano Magada and Gregorio Magada, all of Cauayan, Negros Occidental; and to all whom it may concern:

GREETINGS:

Whereas, a verified petition has been filed with this Court under Republic Act No. 26 praying for the reconstitution of the original as well as the owner's duplicate of Original Certificate of Title No. (NA), covering Lot No. 1771 of the Cadastral Survey of Cauayan, in the name of Gregorio Magada, married to Flavia Caña and is/are bounded as follows: on the N. by Panay Gulf; on the E. by Lot 1770; on the S. by Lot 1773; and on the W. by Lot 1772, with an area of 1,801 sq. meters.

Wherefore, notice is hereby given that said petition has been set for hearing on September 1, 1975 at 8:30 A.M., before this Court at the People's Hall of Himamaylan, Negros Occidental, on which date, time and place, all persons interested in the property, to appear and show cause, if any, why the petition should not be granted.

Witness, the Hon. Ostervaldo Z. Emilia, Judge of said Court this 22nd day of May, 1975 at Himamaylan, Neg. Occ.

[24, 25] (Sgd.) ARNULFO M. NONO
Clerk of Court

REPUBLIKA NG PILIPINAS
HUKUMANG UNANG DULUGAN NG NUWEBA
ESIHA

COURT OF FIRST INSTANCE OF NUEVA ECIJA
IKA-APAT NA DISTRICTONG PANGHUKUMAN
IKA-4 NA SANGAY
GUIMBA

FILE NO. 302-G, CADASTRAL CASE NO. 1073, LRC
Rec. No. 19038, Lot Nos. 1 and 2, Plan Psu-
11345.—Re: Petition for the Reconstitution of
Original Certificate of Title No. 2291 of the
Registry of Deeds of Nueva Ecija.

LUZ VALDES-PAMINTUAN, et al., Petitioners

NOTICE OF HEARING

To: Solicitor General, Manila; Director of Lands,
Manila; the Register of Deeds of Nueva Ecija;
Atty. Vic. N. Tan, Cabanatuan City; Luz
Valdes-Pamintuan, 103 Mariveles St., Quezon
City; Salud Valdes-Bautista, 101 Calamba St.,
Quezon City; Jose J. Valdes, 619 Mahistrado
Abad Santos, Sta. Mesa, Manila; Socorro Val-
des-Serrano, 103 Mariveles St., Quezon City;
Angustia Rodriguez-Valdes, 192 Kanlaon St.,
Quezon City; Lorenzo J. Valdes, 201 Valdes
Building "C", Plaza Miranda, Rizal St., Ange-
les City; Augusto J. Valdes, Concepcion, Tar-
lac; Remedios Valdes-Panlilio, 129 Apo St.,
Quezon City; Africa Valdes-Reynoso, 10 Ipil
Road, Forbes Park, Makati, Rizal; Jorge Mar-
iano, Bo. Bulala, Cuyapo, Nueva Ecija; An-
tonio Tapiador and Gualberto Deocales, 27
Magsaysay Ave., Cuyapo, Nueva Ecija; Mrs.
Crisostomo Gregorio, Manuel Yangco and Mar-
cos Mudlong, all of Magsaysay Ave., Bulala,
Cuyapo, Nueva Ecija, and to all whom it may
concern:

Whereas, a petition has been filed in this Court
by Luz Valdes-Pamintuan, et al., under the pro-
visions of Rep. Act No. 26, for the reconstitution
of Original Certificate of Title No. 2291 of the
Registry of Deeds of Nueva Ecija, alleging among
others, that the Original Certificate of Title kept
by the Register of Deeds of Nueva Ecija was al-
ready destroyed and the owner's duplicate copy
of the title kept by the petitioners was destroyed
in a conflagration during the war; that no co-
owner's mortgagee's or lessee's duplicate had been
issued and which title covers two parcels of land
known as Lot No. 1 and Lot No. 2, Plan Psu-11345,
situated in the barrio of Bulala, Municipality of
Cuyapo, Nueva Ecija, bounded and particularly
described as follows:

"1. A parcel of land (Lot No. 1, Plan Psu-
11345), situated in the Barrio of Bulala,
Municipality of Cuyapo. Bounded on the NE.
by the road to San Juan; on the E. by the
Bulala Brook and property of Agustin Sabete;
on the S. by property of Rosendo Santiago;

and on the NW. by property of the Manila
Railroad Co. * * * containing an area of
seven thousand six hundred and three (7,603)
square meters, more or less. * * *"

"2. A parcel of land (Lot No. 2, Plan Psu.
11345), situated in the Barrio of Bulala,
Municipality of Cuyapo. Bounded on the NE.
by the road to San Juan and portion (ex-
cluded); on the SE. by properties of Doroteo
de Guzman and Cecilia Navarro; and on the
NW by property of Teodoro Ligda. * * * con-
taining an area of three thousand six hundred
and thirty-nine (3,639) square meters, more
or less. * * *"

Whereas, upon motion of the petitioners, thru
counsel, the hearing on May 20, 1975 was cancelled
and reset to October 16, 1975 at 8:30 a.m.;

Wherefore, you are hereby given notice that
the said petition has been reset for hearing on
October 16, 1975, at 8:30 a.m. in the Sala of this
Court at Guimba, Nueva Ecija, on which date,
time and place you should appear and show cause
if any, why the said petition should not be granted.

This notice shall be published for two (2) con-
secutive weeks in the *Official Gazette*, at the ex-
pense of the petitioners.

Witness, the Honorable Jaime M. Lantin, Judge
of this Court this 19th day of May, 1975, at
Guimba, Nueva Ecija.

(Sgd.) MANUEL D. TAMASE
Clerk of Court

[24, 25]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF NUEVA
VIZCAYA
FIRST JUDICIAL DISTRICT
BAYOMBONG

CADASTRAL CASE No. 12 Lot No. 4644, Cad. 178
Solano Cadastre—In Re: Petition for the Re-
constitution of Original and Owner's Duplicate
of Transfer Certificate of Title No. 2963 of the
Land Records of Nueva Vizcaya Issued in the
name of Bernardo Garcia under Republic Act
No. 26.

Spouses VIDAL BORRROMEO and FERMINA L.
DANGUILAN, Petitioners

NOTICE OF HEARING

To: The Commissioner of Land Registration,
Quezon City; the Director of Lands, the Di-
rector of Forestry and the Solicitor General all
of Manila; the Register of Deeds, the Provincial
Governor, the Provincial Fiscal, the District
Highway Engineer, Bureau of Public Works
District Engineer, all of Bayombong, Nueva
Vizcaya; Atty. Ernesto S. Salunat, counsel for
the petitioners, Solano, Nueva Vizcaya; Aureo
Birco, Bayombong, Nueva Vizcaya; Simeon Ca-

dawan, Solano, Nueva Vizcaya; and to all whom it may concern:

Whereas, under the provision of Republic Act 26, a verified petition has been filed with this Court by spouses Vidal Borromeo and Fermina L. Danguilan of Solano, Nueva Vizcaya, for the reconstitution of original and owner's duplicate of Transfer Certificate of Title No. 2963 of the land records of Nueva Vizcaya issued in the name of Bernardo Garcia, alleged to have been lost, covering a parcel of land now designated as Lot No. 4644 of the Solano Cadastre * * *. Bounded on the E., along line 2-3, by Irrigation Ditch; on the W., along line 3-4, by Lot 4643, Solano Cadastre; and on the NW., along line 4-1, by Irrigation Ditch. * * * containing an area of eight thousand four hundred ten (8,410) square meters, more or less. * * *.

Wherefore, you are hereby given notice that the petition has been set for hearing on the 29th day of October, 1975, at 8:30 o'clock in the morning, before Branch II of the Court of First Instance of Nueva Vizcaya, at Bayombong, Nueva Vizcaya, on which date, time and place you should appear and file your claim or objection, if you have any, to said petition.

Witness, the Honorable Gabriel Dunuan, Judge of this Court this 16th day of April, 1975.

(Sgd.) TRANQUILINO V. RAMOS

[24-26] Acting Clerk of Court

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF
PAMPANGA

FIFTH JUDICIAL DISTRICT
BRANCH THREE

CADASTRAL CASE No. 8.

BUENAVENTURA ARCEO, petitioner

ORDER

A verified petition having been filed under the provision of Republic Act No. 26 by the peti-

tioner, praying for the reconstitution of Original Certificate of Title No. 4506 issued in the name of Maria D. Aquino, alleged to have been lost, covering Lot No. 3325 of the San Fernando, Cadastre:

It appearing that said petition is sufficient in form and substance, the Court hereby sets the hearing thereof on October 13, 1975 at 8:30 o'clock in the morning at the Pampanga Hall of Justice Building, San Fernando, Pampanga, on which date, time and place, all persons having interest or claim in the land in question may appear and file their opposition, if any:

Let this Order be published, at the expense of the petitioner, twice in the successive issues of the *Official Gazette*, and posted on the main entrance of the Provincial Building and/or the Municipal Building of the Municipality where the land lies, at least thirty (30) days prior to the hearing as above set.

Observance of Section 23 of Republic Act No. 26, as circularized under Circular No. 26 dated June 21, 1948 on the matter and so far as applicable in connection herewith is hereby enjoined of all concerned.

SO ORDERED.

San Fernando, Pampanga May 6, 1975.

(Sgd.) MARIANO CASTAÑEDA, JR.

[24,25] Judge

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF CEBU
FOURTEENTH JUDICIAL DISTRICT
BRANCH XVI, LAPU-LAPU CITY

CADASTRAL CASE No. 17, LRC REGISTRATION No. 946
Lots No. 1539 & 1594 Opon Cadastre—Re:
petition for Reconstitution of Original Certifi-
cates of Titles.

FLORENTINO ENTOMA, movant

NOTICE OF HEARING

To: Atty. Ramon Codilla, Lapu-Lapu City; Flor-
entina Entoma, Panganiban St., Cebu City; The
Register of Deeds, Lapu-Lapu City; Heirs of
Filomena Tumalak, Celedonio Ybañez, Valentin
Degollacion, Magdaleno Oyao, Heirs of Tomas
Ybañez, Faustino Berdon, Fernando Tampus,
Eugenia Yagong, Policarpo Inso, Honorato
Bonghanoy and Carlos Dignos, all of Basak,
Lapu-Lapu City; Gregorio Muñoz, Casimiro
Mansing, Alejandro Mansing and Juan Suma-
linog all of Marigondon, Lapu-Lapu City.

GREETINGS:

Please take notice that the petition filed with
this Court by Florentino Entoma, thru counsel
Atty. Ramon Codilla, seeking for the reconstitution
of the Original Certificates of Titles of the afore-
mentioned Lots, is set for hearing on July 15, 1975
at 9:00 o'clock in the morning before the 16th
Branch of this Court located at Lapu-Lapu City,
Philippines.

Lots Nos. 1539, 1594 and 2178 are situated at
barrio Basak, Lapu-Lapu City while Lots Nos.
2975, 3032 and 3397 are situated at barrio Mari-
gondon, Lapu-Lapu City and bounded by the prop-
erties of the last 15 aforementioned persons.

You are therefore ordered to appear at the
date, time and place of hearing herein designated
and to show cause if there is any you have why
said petition should not be granted.

Witness the Honorable Ramon E. Nazareno,
Presiding Judge of this Court this 10th day of
June, 1975, at Lapu-Lapu City, Philippines.

(Sgd.) PATERNO M. ROSAL
Clerk of Court

[24, 25]

Komisyon sa Patalaan ng Lupain

(LAND REGISTRATION COMMISSION)

[LAST PUBLICATION]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF BATANGAS
Land Registration Case No. N-55
LRC Record No. N-45650

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, the District Land Office No. III-2, the City Mayor, the City Council, the City Fiscal, the City Treasurer, the City Engineer, Camilo Pentinio, Cenon Arcangel, Antonio Tarcelo or Antonio Tarcela, Susana Driz, Jose Cepillo, Arceli Arcangel, Lorenzo Velasco, Expectacion Borillo and Leopoldo Borillo, Batangas City; Carlos Pucada, Tomas Cueto and Nicolas Delgado, Poblacion, Batangas City; and to all whom it may concern:

Whereas, an application has been presented to this Court by Felisa Macatangay, Batangas City, to register and confirm her title to the following property:

A parcel of land (Lot 631 Cad-264, Batangas cadastre, plan AP-04-000115) with the improvements thereon, situated in the Poblacion, City of Batangas. Bounded on the N. by D. Silang Street; on the E. by properties of Nicolas Delgado and Expectacion & Leopoldo Borillo; on the SE., by properties of Antonio Tarcela and Jose Cepillo; on the SW., properties of Carlos Pucada and Susana Driz; and on the NW., by property of Tomas Cueto; Point "1" is S. 15 deg. 54 min. E., 223.17 meters from BBM 7, Cad-264, Batangas Cadastre. Area nine hundred fifty four (954) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Batangas, at its session to be held in the City of Batangas, Philippines, on the 21st day of August, 1975, at 8:00 o'clock in the forenoon to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid your default will be recorded and the said application will be taken as confessed and you will be

forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Jaime R. Agloro, Judge of said Court, the 4th day of March, in the year 1975.

Issued at Quezon City, Philippines, this 28th day of April, 1975.

Attest:

GREGORIO BILOG, JR.

Commissioner of Land Registration

By: GREGORIO C. SEMBRANO

[24, 25]

Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF BATANGAS

Land Registration Case No. N-69
LRC Record No. N-46900

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, the District Land Office No. IV-2, the City Mayor, the City Council, the City Fiscal, the City Treasurer, the City Engineer, the Heirs of Catalina Villamor and Lutgarda Abacan Llana, Batangas City; Rosa Gutierrez, Erlinda C. Añonuevo and Milagros C. Carnero, E. Evangelista St., Batangas City; and to all whom it may concern:

Whereas, an application has been presented to this Court by Margarita Llana Vda. de Agtarap, 2008 Dominga St., Pasay City, assisted by Atty. Sulpicio Bolaños Jr., Batangas City, to register and confirm her title to the following properties:

Two (2) parcels of land situated in the Poblacion, City of Batangas. The Boundaries and areas of said parcels are as follows:

1. A parcel of land (Lot 600, Cad-264, Batangas Cadastre, plan AP-04-000154). Bounded on the E. by Lot 601; on the S. by E. Evangelista Street; on the SW. by P. Burgos Street; and on the NW. by property of the Heirs of

Catalina Villamor. Point "1" is N. 29 deg. 04 min. W., 276.60 meters from BLLM 1, Cad-264, Batangas Cadastre. Area six hundred seventy-eight (678) square meters, more or less.

2. A parcel of land (Lot 601, Cad-264, Batangas Cadastre, plan Ap-04-000154). Bounded on the E. by property of Rosa Gutierrez; on the S. by E. Evangelista Street; on the W. by Lot 600; and on the NW. by property of the Heirs of Catalina Villamor. Point "1" is N. 29 deg. 18 min. W., 252.41 meters from BLLM 1, Cad-264, Batangas Cadastre. Area five hundred fifty two (552) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Batangas, at its session to be held at Branch II, City of Batangas, Philippines, on the 19th day of September, 1975, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Jaime R. Agloro, Judge of said Court, the 4th day of April, in the year 1975.

Issued at Quezon City, Philippines, this 19th day of May, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration
By: GREGORIO C. SEMBRANO
[24, 25] Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF CAVITE
Land Registration Case No. N-1166
LRC Record No. N-47050

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, Trece Martires City; the District Land Office No. IV-4, Rosario, Cavite; the Municipal Mayor, the Municipal Council, Kawit, Cavite; Fermin Abad, Nemesio Pasao, Emilio Pasao, Soledad Abad, and the

Heirs of Beatriz Pazao, Manggahan, Kawit, Cavite; and to all whom it may concern:

Whereas, an application has been presented to this Court by Rita Pasao, Binakayan, Kawit, Cavite, assisted by Atty. Wenceslao V. Jarin, R-36, San Luis Building, T-Kalaw-Ma: Orosa Sts., Ermita, Manila, to register and confirm her title to the following property:

A parcel of land (Plan, Psu-243530), situated in the Barrio of Manggahan, Municipality of Kawit, Province of Cavite. Bounded on the N. by Evangelista Street; on the E. by a Callejon and property of Soledad Abad; on the SW. by property of the Heirs of Beatriz Pasao (before) Nemesio Pasao (now); and on the W. by property of Emilio Pasao. Point "1" is S. 18 deg. 59 min. E., 826.66 meters from BLLM 3, Cad-203, Kawit Cadastre. Area four hundred eighty five (485) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Cavite, at its session to be held in the City of Cavite, Philippines, on the 9th day of September, 1975, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Ernani Cruz Pano, Judge of said Court, the 19th day of May, in the year 1975.

Issued at Quezon City, Philippines, this 26th day of May, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration
By: GREGORIO C. SEMBRANO
[24, 25] Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF CAVITE

Land Registration Case No. TG-231
LRC Record No. N-46929

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, Trece Martires City;

the District Land Office No. IV-4, Rosario, Cavite; the Municipal Mayor, the Municipal Council, Mr. Isidro Pinano (Municipal Treasurer), Alfonso, Cavite; Jovita Dimaranan, Eugenio Mojica, Jr., Amalia Montenegro, Nemesio Cosa, Belen M. Sanchez, Heirs of Eugenio Mojica, Amalia E. Mojica, Felisa D. Cruz, Vicente Cruz, Poblacion, Alfonso, Cavite; Heirs of Raymunco Cron, Leon Cron, Felicidad Ferre, Miguel Ferre, Silvino Mojica, Isabelo Aviñante, Catalino Rondael, Taywanak, Alfonso, Cavite; and to all whom it may concern:

Whereas, an application has been presented to this Court by Modesto A. Mojica, Alfonso, Cavite, to register and confirm his title to the following properties:

1. A parcel of land (plan Psu-239366) with the improvements thereon, situated in the Poblacion, Municipality of Alfonso, Province of Cavite. Bounded on the NE. by Calle Rizal; on the SE. by property of Amalia Montenegro; on the SW. by property of Nemesio Cosa; and on the NW. by properties of Belen M. Sanchez and Eugenio Mojica, Jr. Point "1" is N. 31 deg. 37 minutes W., 371.83 meters from BLLM 2, Alfonso, Cavite. Area three hundred ninety five (395) square meters, more or less.

2. A parcel of land (plan Psu-237947) with the improvements thereon, situated in the Barrio of Taywanak, Municipality of Alfonso, Province of Cavite. Bounded on the NE. by the Baño River and property of Felisa D. Cruz; on the E. and SE. by a Callejon and properties of Felicidad Ferre, Miguel Ferre and Silvino Mojica; on the SW. by Calle Rizal; and on the NW. by property of the Heirs of Raymundo Cron. Point "1" is N. 25 deg. 40 minutes W., 1,412.70 meters from BLLM 2, Alfonso, Cavite. Area thirteen thousand two hundred ninety one (13,291) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Cavite at its session to be held in the City of Tagaytay, Philippines, on the 22nd day of July, 1975 at 9:00 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Alfredo B. Concepcion, Judge of the said Court, the 14th day of February, in the year 1975.

Issued at Quezon City, Philippines, this 21st day of April, 1975.

Attest:

GREGORIO BILOG, JR.

Commissioner of Land Registration

By: GREGORIO C. SEMBRANO

[24, 25]

Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF CAVITE

Land Registration Case No. TG-246
LRC Record No. N-46930

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, Trece Martires City; the District Land Office No. IV-4, Rosario, Cavite; the City Mayor, the City Council, the City Fiscal, the City Treasurer, the City Engineer, Victoria Bondoc de Sto. Domingo, Angel T. Limjoco, Fermin or Fermino Malabanan, Adriano Panganiban, Claro Tenorio, Congregacion de las Religiosas de la Virgen Maria, Hammon H. Buck or Heirs of Hammon H. Buck, Tagaytay City; Fermin or Fermino Malabanan, Talisay, Batangas; Maria P. Aure de Escobar or Escobar, Adriano Panganiban, Mendez, Cavite; Alberto Margolles, 1602 Cypress St., Dasmariñas Village, Makati, Rizal; and to all whom it may concern:

Whereas, an application has been presented to this Court by Patrocinio E. Margolles, 1602 Cypress St., Dasmariñas Village, Makati, Rizal; to register and confirm her title to the following properties:

THREE (3) parcels of land, situated in the City of Tagaytay. The boundaries and areas of said parcels are as follows:

1. A parcel of land (Lot 1, plan Psu-113351). Bounded on the NE., by properties of Fermin or Fermino Malabanan and Claro Tenorio; on the SE., by property of Claro Tenorio; on the SW., by properties of Angel T. Limjoco; on the W., by property of Maria P. Aure de Escobar or Escobar; and on the NW., by properties of Hammon H. Buck and Lot 2. Point "1" is S. 44 deg. 47 minutes E., 293.74 meters more or less, from BLBM 1, Bo. Kaybagal, Municipality of Amadeo. Area four hundred twenty thousand sixty (420,060) square meters, more or less.

2. A parcel of land (Lot 2, plan Psu-113351). Bounded on the NE., S., SW. & W. by Lot 1; and on the NW., by property of Hammon H. Buck. Point "1" is S. 58 deg. 30 minutes E., 1,571.85 meters, more or less, from BLBM 1, Bo. Kaybagal, Municipality of Amadeo. Area forty nine thousand four hundred forty five (49,445) square meters, more or less.

3. A parcel of land (plan Psu-113356). Bounded on the N., by property of Hammon H. Buck; on the SE., by property of the Congregacion de las Religiosas de la Virgen Maria; on the SW., by property of Angel T. Limjoco; and on the NW., by properties of Hammon H. Buck. Point "1" is S. 37 deg. 53 minutes E., 1,224.25 meters, more or less, from BLBM 1, Bo. Kaybagal, Municipality of Amadeo. Area twenty eight thousand eight hundred seventy nine (28,879) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Cavite, at its session to be held at Branch IV, Tagaytay City, Philippines, on the 22nd day of July, 1975, at 9:00 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Alfredo B. Concepcion, Judge of said Court, the 17th day of April, in the year 1975.

Issued at Quezon City, Philippines, this 12th day of May, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration
By: GREGORIO C. SEMBRANO
[24, 25] Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF CEBU

Land Registration Case No. N-971
LRC Record No. N-46961

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer and the District Land Office No.

VII-I, Cebu City; the Municipal Mayor and the Municipal Council, Apolonio Nies, Consolacion, Cebu; Cornelia Vda. de Lumapas, Julita Vda. de Lumapas, Baldomero Gasal, Maria Vda. de Quimod, Felipe Herbito, Antonio Guizon, Fausto Majardon, Agustina Ativio, Lorenzo Quimod, Paula Quimod, Heirs of Felix Gasal, Andres Lumapas, Modesto Semblante, Genoveva Quimod, Vicente Quimod, Galo Mondarte, Victoriano Balaba, Ciriaca Quimod, Apolonio Candido, Dominga Domecillo, Florentino Iballe, Almaquio Bihag, Jose Oliva, Maxima Antigua, Domiciano Casal, Baldomero Casal, Gregoria Quimod, Remigia Goc-ong, Dominga Ponce, Jovita Casal, and Rufino Lacio, Heirs of Gil Quimod, Juling Lumapas, Polpogan, Consolacion, Cebu; Lolong Lee, 2nd Unit Carbon Market, Cebu City; and to all whom it may concern:

Whereas, an application has been presented to this Court by Zitioba Land Developers, Incorporated, represented by Eduardo J. Aboitiz, 183 Juan Luna St., Cebu City, P.O. Box 65, thru Atty. Abelardo P. Cecilio, Aboitiz & Co., Inc., Juan Luna St., Cebu City, to register and confirm its title to the following property:

A parcel of land (plan Psu-07-01-000467), situated in the Polpogan, Municipality of Consolacion, Province of Cebu. Bounded on the NE., by properties of Baldomero Gasal and Juling Lumapas; on the SE. by properties of Apolonio Candido, Dominga Domecillo, Florentino Iballe, Almaquio Bihag and the Zitioba Land Developers Inc.; on the SW. by properties of Lolong Lee, Zitioba Land Developers Inc., Jose Oliva and Apolonio Nies; and on the NW. by properties of Maxima Antigua, Domiciano Gasal, Baldomero Gasal, Gregoria Quimod, Remigia Goc-ong, Dominga Ponce and Jovita Gasal. Point "1" is N. 29 deg. 40 min. W., 871.62 meters from BLBM 1, Consolacion, Cebu. Area sixty eight thousand eight hundred eight (68,808) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Cebu, at its session to be held in the City of Cebu, Philippines, on the 29th day of October, 1975, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Juan Y. Reyes, Judge Branch I, of said Court, the 11th day of April, in the year 1975.

Issued at Quezon City, Philippines, this 19th day of May, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration
By: GREGORIO C. SEMBRANO
[24, 25] Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF ILOCOS SUR

Land Registration Case No. N-24
LRC RECORD NO. N-46715

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Ave., Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, the District Land Office No. 1-3, Enrique Quema, Vigan, Ilocos Sur; the Municipal Mayor, the Municipal Council, Juan Cacho, Constanca Calixterio, Magno Fortuna, Mariano Cachola, Segunda Cejalvo Cajalvo, Genara Cachola, Inocencio Cachola, Bernardo Montero, Guadalupe Cabanilla, Anastacia Casañas or Casañas, Diego Corpuz, Froilan Montero, Trinidad Camarillo, Juan Chan Liecco, Venancio Bautista, Pedro Cabatu, Mariano Cabalquito or Cabalquito, Telestoro Cabagua, Esperanza Cacho, Lorenzo Blanco, Angel Quitazol, Guillerma Cabatu, Maria Cabaya, Simplicia Cabatu, Francisca Cabatu, Marcial Cabalquito, Pedro Cabe, Agustin Cachola, Agustina Cachola, Marciano Cabalquinto, Manuela Cabe, Laureano Roldan, Esteban Cabana, Jesus Encarnacion, Guillermo Encarnacion, Maximino Montero, Troadio Legaspi, Luciana Cabuco, Roman Cachola, Jose Cabacungan, Federico Sanidad, Gonzalo Cabalquinto, Vicenta Cantoria, Candida Cachola, Inocencio Cachola, Maria Laya Soria, Severo Comiso, Isabel de la Cuadra, Paz Villanueva, Caridad Bautista, Bernardin Roldan, Ponciano Viloria, Justino Cabe, Jose de la Cuadra, Josefina Florendo Vda. de Festejo, Maximiana Cacas Cacho, Nemesio Cachola, Salome Viloria, Restituto Viloria and the General Manager, National Development Company, Narvacan, Ilocos Sur; and to all whom it may concern:

Whereas, an application has been presented to this Court by the CrownTex Corporation, represented by its President Manuel I. Tinio, 2655 Old Panaderos Street, Sta. Ana, Manila, thru Atty.

B.A. Bermudez, 3-D, Kaingin Road, Quezon City, to register and confirm its title to the following properties:

TWENTY SIX (26) parcels of land with the building and improvements thereon, situated in the Barrio of San Antonio, Municipality of Narvacan, Province of Ilocos Sur. The boundaries and areas of said parcels are as follows:

1. A parcel of land (Lot 1, plan Psu-141715). Bounded on the NE., by Lot 7 (claimed by Ponciano Viloria), the National Road, Lot 8 (claimed by Magno Fortuna), Lot 9 (claimed by Juan Chan Liecco) and Lot 10 (claimed by Enrique Quema); on the SE., by Lot 11 (claimed by Justino Cabe), Lot 16 (claimed by Anastacia Casañas or Casañas), properties of Diego Corpuz, Froilan Montero, Trinidad Camarillo, Lot 17 (claimed by Juan Chan Liecco) properties of Venancio Bautista, Pedro Cabatu & Telesporo Cabagua; on the SW. by Lot 18 (claimed by Pedro Cabatu) properties of Esperanza Cacho, Vicenta Cantoria, Pedro Cabatu & Telesporo Cabagua, Lorenzo Blanco, Angel Quitazol and Guillerma Cabatu & Maria Cabaya; and on the NW., by Lot 19 (claimed by Simplicia Cabatu), Lot 25 (claimed by Paz Villanueva), Lot 26 (claimed by Nemesio Cachola and properties of Caridad Bautista and Bernardin Roldan. Point "1" is S. 6 deg. 18 min. W., 884.00 meters from BLLM 3, Narvacan, Ilocos Sur. Area forty nine thousand six (49,006) square meters, more or less.

2. A parcel of land (Lot 2, plan Psu-141715). Bounded on the NE., by the National Road; on the SE., by property of Juan Cacho; and on the NW. by Lot 12 (claimed by Jose dela Cuadra). Point "1" is S. 3 deg. 55 min. E., 1,128.37 meters from BLLM 3, Narvacan, Ilocos Sur. Area one hundred twenty-two (122) square meters, more or less.

3. A parcel of land (Lot 3, plan Psu-141715). Bounded on the NE., by Lot 12 (claimed by Jose de la Cuadra); on the SE., by properties of Candida Cachola and Constanca Calixterio; and on the NW., by Lot 13 (claimed by Magno Fortuna) and Lot 11 (claimed by Justino Cabe). Point "1" is S. 3 deg. 02 min E., 1,155.37 meters from BLLM 3, Narvacan, Ilocos Sur. Area one thousand twenty seven (1,027) square meters, more or less.

4. A parcel of land (Lot 4, plan Psu-141715). Bounded on the NE., by Lot 11 (claimed by Justino Cabe); on the SE., by Lot 13 (claimed by Magno Fortuna and Mariano Cachola); and on the NW., by Lot 14 claimed by Segunda Cajalvo. Point "1" is S. 0 deg. 06 min E., 1,166.25 meters from BLLM 3, Narvacan, Ilocos Sur. Area four hundred fifty (450) square meters, more or less.

5. A parcel of land (Lot 5, plan Psu-141715). Bounded on the NE., by Lot 11, claimed by Justino Cabe; on the SE., by Lot 15, claimed by Genara Cachola and properties of Inocencio Cachola, Ber-

nardino Montero and Guadalupe Cabanilla; and on the NW., by Lot 16, claimed by Anastacia Casañas or Casañas. Point "1" is S. 1 deg. 38 min. W., 1,174.32 meters from BLLM 3, Narvacan Ilocos Sur. Area three thousand eight hundred forty-seven (3,847) square meters, more or less.

6. A parcel of land (Lot 6, plan Psu-141715). Bounded on the SE., by Lot 22, claimed by Pedro Cabe; on the S., by lot 20, claimed by Francisca Cabatu, Lot 21, claimed by Josefina Florendo Vda. de Testeijo; on the SW., by properties of Marciano Cabalquinto, Pedro Cabe, Manuela Cabe, Agustín Cachola, and Inocencio Cachola; and on the NW., by properties of Inocencio Cachola, Agustina Cachola, Manuela Cabe; Pedro Cabe, Mariano Cabalquito or Cabalquinto, Maria Laya Soria, Venancio Bautista, Severo Coniso and Isabel de la Cuadra. Point "1" is S. 13 deg. 30 min. W., 929.84 meters from BLLM 3, Narvacan, Ilocos Sur. Area nine thousand eight hundred thirty nine (9,839) square meters, more or less.

7. A parcel of land (Lot 7, plan Psu-141715). Bounded on the NE., by the National Road; on the SW., by Lot 1; and on the NW., by property of Ponciano Viloria. Point "1" is S. 1 deg. 31 min. E., 854.76 meters from BLLM 3, Narvacan, Ilocos Sur. Area seven hundred seventeen (717) square meters, more or less.

8. A parcel of land (Lot 8, plan Psu-141715). Bounded on the NE., by Lot 1 and the National Road; and on the SW. and NW., by Lot 1. Point "1" is S. 2 deg. 30 min. E., 946.82 meters from BLLM 3, Narvacan, Ilocos Sur. Area two thousand five hundred forty four (2,544) square meters, more or less.

9. A parcel of land (Lot 9, plan Psu-141715). Bounded on the NE., by Lot 1 and the National Road; on the SW., by Lot 10 claimed by Enrique Quema; and on the NW., by Lot 1. Point "1" is S. 3 deg. 39 min. E., 1,037.48 meters from BLLM 3, Narvacan, Ilocos Sur. Area three thousand six hundred thirty three (3,633) square meters, more or less.

10. A parcel of land (Lot 10, plan Psu-141715). Bounded on the NE., by Lot 1 and Lot 9, claimed by Juan Chan Liecco and the National Road; and on the SW. and NW., by Lot 1. Point "1" is S. 3 deg. 39 min. E., 1,087.48 meters from BLLM 3, Narvacan, Ilocos Sur. Area two thousand nine hundred eighty nine (2,989) square meters, more or less.

11. A parcel of land (Lot 11, plan Psu-141715). Bounded on the NE. and NW., by Lot 1; on the E., by the National Road; on the SE., by Lot 12 claimed by Jose de la Cuadra and Lot 3; on the SW., by Lot 13, claimed by Magno Fortuna, Lot 14 claimed by Segunda Cajalvo or Cejalvo; Lot 15, claimed by Genara Cachola, Lot 5 and Lot 6 claimed by Anastacia Casañas. Point "1" is S. 3 deg. 55 min. E., 1,128.37 meters

from BLLM 3, Narvacan, Ilocos Sur. Area four thousand two hundred ninety three (4,293) square meters, more or less.

12. A parcel of land (Lot 12, plan Psu-141715). Bounded on the SE., by Lot 2; on the S., by Lot 3; and on the NW., by Lot 3 and Lot 11 (claimed by Justino Cabe). Point "1" is S. 3 deg. 55 min. E., 1,128.37 meters from BLLM 3, Narvacan, Ilocos Sur. Area two hundred fifty six (256) square meters, more or less.

13. A parcel of land (Lot 13, plan Psu-141715). Bounded on the NE., by Lot 11 claimed by Justino Cabe; on the SE., by Lot 3 and property of Magno Fortuna; and on the NW., by Lot 4. Point "1" is S. 0 deg. 06 min. E., 1,166.25 meters from BLLM 3, Narvacan, Ilocos Sur. Area five hundred (500) square meters, more or less.

14. A parcel of land (Lot 14, plan Psu-141715). Bounded on the NE., by Lot 11, (claimed by Justino Cabe); on the SE., by Lot 4 and property of Segunda Cejalvo; and on the NW., by Lot 15 (claimed by Genara Cachola). Point "1" is S. 1 deg. 04 min. W., 1,171.54 meters from BLLM 3, Narvacan, Ilocos Sur. Area five hundred fifty four (554) square meters, more or less.

15. A parcel of land (Lot 15, plan Psu-141715). Bounded on the NE., by Lot 11 (claimed by Justino Cabe); on the SE., by Lot 14 (claimed by Segunda Cajalvo) and property of Genara Cachola; and on the NW., by Lot 5. Point "1" is S. 1 deg. 04 min. W., 1,171.54 meters from BLLM 3, Narvacan, Ilocos Sur. Area five hundred ninety eight (598) square meters, more or less.

16. A parcel of land (Lot 16, plan Psu-141715). Bounded on the NE., by Lot 11 (claimed by Justino Cabe); on the SE., by Lot 5 and property of Anastacia Casañas or Casañas; and on the NW., by Lot 1. Point "1" is 5 deg. 50 min. W., 1,198.72 meters from BLLM 3, Narvacan, Ilocos Sur. Area two thousand three hundred forty seven (2,347) square meters, more or less.

17. A parcel of land (Lot 17, plan Psu-141715). Bounded on the N., SE. and W., by Lot 1; and on the S., by property of Juan Chan Liecco. Point "1" is S. 8 deg. 23 min. W., 1,217.06 meters from BLLM 3, Narvacan, Ilocos Sur. Area one hundred sixty eight (168) square meters, more or less.

18. A parcel of land (Lot 18, plan Psu-141715). Bounded on the N., E. and W., by Lot 1; on the SE. and SW., by properties of Pedro Cabatu & Telesforo Cabagua. Point "1" is S. 11 deg. 10 min. W., 1,240.83 meters from BLLM 3, Narvacan, Ilocos Sur. Area nine hundred thirty two (932) square meters, more or less.

19. A parcel of land (Lot 19, plan Psu-141715). Bounded on the N., by Lot 20 (claimed by Francisca Cabatu); on the SE., by Lot 25 (claimed by Paz Villanueva); on the S., by Lot 1; and on the SW., by property of Simplicia Cabatu. Point "1" is S. 14 deg. 28 min. W., 1,095.30 meters from

BLLM 3, Narvacan, Ilocos Sur. Area one thousand eleven (1,011) square meters, more or less.

20. A parcel of land (Lot 20, plan Psu-141715). Bounded on the N., by Lot 6, Lot 21 claimed by Josefina Florendo Vda. de Festejo), Lot 22 (claimed by Pedro Cabe), Lot 25 (claimed by Paz Villanueva), Lot 23 (claimed by Pedro Cabatu) and Lot 24 (claimed by Maximina Cacas-Cacho); on the E., by Lot 25 (claimed by Paz Villanueva); on the S., by Lot 19 (claimed by Simplicia Cabatu); and on the SW., by property of Francisca Cabatu. Point "1" is S. 14 deg. 28 min. W., 1,095.30 meters from BLLM 3, Narvacan, Ilocos Sur. Area two thousand one hundred thirty nine (2,139) square meters, more or less.

21. A parcel of land (Lot 21, plan Psu-141715). Bounded on the N., SE. and NW., by lot; 6 and on the S., by Lot 20 (claimed by Francisca Cabatu). Point "1" is S. 12 deg. 29 min. W., 945.22 meters from BLLM 3, Narvacan, Ilocos Sur. Area one thousand three hundred sixteen (1,316) square meters, more or less.

22. A parcel of land (Lot 22, plan Psu-141715). Bounded on the SE., by Lot 25 (claimed by Paz Villanueva); on the S., by Lot 20 (claimed by Francisca Cabatu); and on the NW., by Lot 6 and property of Pedro Cabe. Point "1" is S. 11 deg. 08 min. W., 912.62 meters from BLLM 3, Narvacan, Ilocos Sur. Area one thousand four hundred thirty-three (1,433) square meters, more or less.

23. A parcel of land (Lot 23, plan Psu-141715). Bounded on the N. and NW., by Lot 25 (claimed by Paz Villanueva); on the SE., by Lot 24 (claimed by Maximina Casas Cachola); and on the S., by Lot 20 (claimed by Francisca Cabatu). Point "1" is S. 10 deg. 17 min. W., 930.12 meters from BLLM 3, Narvacan, Ilocos Sur. Area nine hundred fifty six (956) square meters, more or less.

24. A parcel of land (Lot 24, plan Psu-141715). Bounded on the N. and SE., by Lot 25 (claimed by Paz Villanueva); on the S., by Lot 20 (claimed by Francisca Cabatu); and on the NW., by Lot 23 (claimed by Pedro Cabatu). Point "1" is S. 10 deg. 17 min. W., 930.12 meters from BLLM 3, Narvacan, Ilocos Sur. Area two thousand thirty two (2,032) square meters, more or less.

25. A parcel of land (Lot 25, plan Psu-141715). Bounded on the N., by Lot 1; on the SE., by Lot 1, and Lot 26 (claimed by Nemesio Cachola); on the SW., by Lot 1, Lot 19 (claimed by Simplicia Cabatu), Lot 20 (claimed by Francisca Cabatu), Lot 24 (claimed by Maximina Cacas Cacho) and Lot 23 (claimed by Pedro Cabatu); and on the NW., by Lot 22 (claimed by Pedro Cabe) and property of Paz Villanueva. Point "1" is S. 11 deg. 08 min. W., 912.62 meters from BLLM 3, Narvacan, Ilocos Sur. Area seven thousand one hundred eighty-two (7,182) square meters, more or less.

26. A parcel of land (Lot 26, plan Psu-141715). Bounded on the NE., SE. and SW., by Lot 1; and on the W., by Lot 25 (claimed by Paz Villanueva). Point "1" is S. 9 deg. 00 min. W., 1,161.21 meters from BLLM 3, Narvacan, Ilocos Sur. Area two thousand five hundred eighty nine (2,589) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Ilocos Sur, at its session to be held in the Municipality of Narvacan, Province of Ilocos Sur, Philippines, this 3rd day of September, 1975, at 8:00 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Zoilo Aguinaldo, Judge of said Court, the 30th day of January, in the year 1975.

Issued at Quezon City, Philippines, this 19th day of May, 1975.

Attest:

GREGORIO BILOG, JR.
Commissioner of Land Registration

By: GREGORIO C. SEMBRANO
Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF LAGUNA

Land Registration Case No. C-62
LRC Record No. N-47039

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, the District Land Office No. IV-5, Sta. Cruz, Laguna; the General Manager, Laguna Lake Development Authority, Pasig, Rizal; the Municipal Mayor, the Municipal Council, Los Baños, Laguna; the Heirs of Simplicio Mulimbayan, Felipa Mina, Tomas Ilagan, San Antonio, Los Baños, Laguna; and to all whom it may concern:

Whereas, an application has been presented to this Court by Maura Mulimbayan Vda. de Agudo, Heirs of Eugenio Agudo, Heirs of Policarpio Mulimbayan, represented by Maura Mulimbayan Vda. de Agudo, San Antonio, Los Ba-

ños, Laguna, to register and confirm their title to the following properties:

Two (2) parcels of land with the improvements thereon, situated in the Barrio of San Antonio, Municipality of Los Baños, Province of Laguna. The boundaries and areas of said parcels are as follows:

1. A parcel of land (plan Psu-242625). Bounded on the N., by property of Felipa Mina; on the E., by properties of the spouses Eugenio Agudo and Maura Agudo; on the SW., by the Provincial Road; and on the W., by property of Simplicio Mulimbayan. Point "1" is S. 85 deg. 50 min. E., 2,610.75 meters from BLLM 1, Los Baños, Laguna. Area four hundred forty-six (446) square meters, more or less.

2. A parcel of land (plan-Psu-242626). Bounded on the N., by property of Felipa Mina; on the NE., by property of Tomas Ilagan; on the SE., by the Provincial Road; and on the W., by property of Policarpio Mulimbayan. Point "1" is 85 deg. 50 min. E., 2,610.76 meters from BLLM 1, Los Baños, Laguna. Area four hundred twenty-two (422) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Laguna, at its session to be held in the Municipality of Calamba, Province of Laguna, Philippines, on the 17th day of September, 1975, at 8:30 o'clock in the forenoon, to show cause if you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Severo A. Malvar, Judge of said Court, the 13th day of May, in the year 1975.

Issued at Quezon City, Philippines, this 19th day of May, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration

By: GREGORIO C. SEMBRANO
[24, 25] Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF LA UNION

Land Registration Case No. N-1517
LRC Record No. N-46994

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands,
the Director of Public Works, Manila; the

Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, the District Land Office No. I-I, the Municipal Mayor, the Municipal Council, San Fernando, La Union; Juanita Guerra, Veneranda de Soto, Faustina Munar, Abelardo Jacalan, Eusebia Pascual, Sevilla, San Fernando, La Union; and to all whom it may concern:

Whereas, an application has been presented to this Court by the Spouses Juan Catbagan, Jr., and Estrella M. Catbagan, Sevilla Norte, San Fernando, La Union, thru Atty. Pedro O. Arciaga, San Fernando, La Union, to register and confirm their title to the following property:

A parcel of land (plan Psu-255023), situated in the Barrio of Sevilla, Municipality of San Fernando, Province of La Union. Bounded on the N. by property of Juanita Guerra; on the E. by a Callejon and beyond by property of Eusebia Pascual; on the S. by property of Veneranda de Soto; and on the W. by property of Abelardo Jacalan (before) Faustina Munar (now). Point "1" is S. 1 deg. 35 min. E., 944.16 meters from BLLM 1, San Fernando, La Union. Area two hundred four (204) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of La Union, at its session to be held in the Municipality of San Fernando, Province of La Union, Philippines, on the 17th day of October, 1975, at 8:00 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Angel A. Daquigan, Judge of said Court, the 24th day of April, in the year 1975.

Issued at Quezon City, Philippines, this 19th day of May, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration

By: GREGORIO C. SEMBRANO
[24, 25] Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF LA UNION

Land Registration Case No. N-90-Bg
LRC Record No. N-47034

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, the District Land Office No. I-1, San Fernando, La Union; the Municipal Mayor, the Municipal Council, Bauang, La Union; Marcela Hipona Sabado, Baccuit, Bauang, La Union; Herminia Santos Concepcion, 21 Tanguile St., North Forbes Park, Makati, Rizal and to all whom it may concern:

Whereas, an application has been presented to this Court by Jose Concepcion, Sr., 21 Tanguile St., North Forbes Park, Makati, Rizal assisted by Atty. Florante C. de la Cruz, San Fernando, La Union to register and confirm his title to the following property:

A parcel of land (Lot 1, plan Psu-1-001383), situated in the Barrio of Baccuit, Municipality of Bauang, Province of La Union. Bounded on the N. by property of Jose Concepcion, Sr.; on the E. and S. by property of Marcela Hipona Sabado; and on the W. by Lot 2 (Salvage Zone Portion). Point "1" is N. 26 deg. 52 min. W., 2,613.66 meters from BLLM 1, Bauang, La Union. Area one hundred seventy-four (174) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of La Union, at its session to be held in the Municipality of Bauang, Province of La Union, Philippines, on the 20th day of August, 1975, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Romeo N. Firme, Judge of said Court, the 6th day of June, in the year 1975.

Issued at Quezon City, Philippines, this 16th day of May, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration
By: GREGORIO C. SEMBRANO
Acting Chief, Docket Division
[24, 25]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE
OF NUEVA VIZCAYA

Land Registration Case No. N-203
LRC Record No. N-47001

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, the District Land Office No. II-3, Bayombong, Nueva Vizcaya; the Municipal Mayor, the Municipal Council, Victoria Manuel, the Heirs of Conrado Manuel and Aniceto Cuesta, Bambang, Nueva Vizcaya; and to all whom it may concern:

Whereas, an application has been presented to this Court by Johnny Lorenzo, Bambang, Nueva Vizcaya, thru Atty. Vicente V. Duque, Bayombong Nueva Vizcaya, to register and confirm his title to the following property:

A parcel of land (Lot 2, plan Psu-2-03-090169), with the building and improvements thereon, situated in the Poblacion, Municipality of Bambang, Province of Nueva Vizcaya. Bounded on the N., by Lot 1, property of Conrado Manuel; on the E., by Hard street; on the S., by property of Aniceto Cuesta; and on the W., by Lot 1, property of Conrado Manuel. Point "1" is N. 72 deg. 42 min. E., 276.86 meters from BLLM 1, Bambang, Nueva Vizcaya. Area ninety (90) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Nueva Vizcaya, at its session to be held in the Municipality of Bayombong, Province of Nueva Vizcaya, Philippines, on the 21st day of October, 1975, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be

forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Jesus P. Arlegui, Judge of said Court, the 10th day of April, in the year 1975.

Issued at Quezon City, Philippines, this 19th day of May, 1975.

Attest:
GREGORIO BILOG, JR.
Commissioner of Land Registration
By: GREGORIO C. SEMBRANO
[24.25] Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE
OF NUEVA VIZCAYA

Land Registration Case No. N-204
LRC Record No. N-47002

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, the District Land Office No. II-3, Bayombong, Nueva Vizcaya; the Municipal Mayor, the Municipal Council, Aniceto Cuesta, Johnny Lorenzo, Pedro Sierra, Vidal Lubong, Marcelo Gonzales, Bambang, Nueva Vizcaya; and to all whom it may concern:

Whereas, an application has been presented to this Court by Juana Gaffuy Vda. de Manuel, Bambang, Nueva Vizcaya, thru Atty. Vicente V. Duque, Bayombong, Nueva Vizcaya, to register and confirm her title to the following property:

A parcel of land (Lot 1, plan Psu-2-03-000169), with the building and improvements thereon, situated in the Poblacion, Municipality of Bambang, Province of Nueva Vizcaya. Bounded on the N., by the Municipal Road; on the E., by Lara Street; on the SE., by property of Johnny Lorenzo; on the S., by property of Aniceto Cuesta; and on the SW., by properties of Pedro Sierra and Marcelo Gonzales. Point "1" is N. 69 deg. 53 min. E., 254.32 meters from BLLM 1, Bambang, Nueva Vizcaya. Area five hundred twelve (512) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Nueva Vizcaya, at its session to be held in the Municipality of Bayombong, Province of Nueva Vizcaya, Phil-

ippines, on the 14th day of October, 1975, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Gabriel Dunuan, Judge of said Court, the 1st day of April, in the year 1975.

Issued at Quezon City, Philippines, this 19th day of May, 1975.

Attest:
GREGORIO BILOG, JR.
Commissioner of Land Registration
By: GREGORIO C. SEMBRANO
[24.25] Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF PAMPANGA

Land Registration Case No. N-1225
LRC Record No. N-46611

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, the District Land Office No. III., San Fernando, Pampanga; the Municipal Mayor, the Municipal Council, Digna C. Reyes Gervacio Limjoco, Aurora Limjoco de Evangelista, Lazara Vda. de Limjoco, Ma. Carmen Arroyo Castor, Candaba, Pampanga; Violeta Gueco Arroyo, 14 Hillside Loop, Blue Ridge, Quezon City; and to all whom it may concern:

Whereas, an application has been presented to this Court by Zosimo E. Arroyo, 14 Hillside Loop, Blue Ridge, Quezon City, to register and confirm his title to the following property:

A parcel of land (Lot 1467, Pls-476, Candaba Public Land Subdivision, plan As-03-000174), situated in the Barrio of San Agustin, Municipality of Candaba, Province of Pampanga. Bounded on the N. and NW. by property of Lazara Vda. de Limjoco; on the NE. by property of Gervacio Limjoco; on the SE. by property of Digna C. Reyes; and on SW. by properties of Ma. Carmen Arroyo Castor, Aurora Limjoco de Evangelista and Lot 4617 (Public Land). Point "1" is S. 46 deg. 02

min. E., 3,488.83 meters from BLLM 1, Pls-476. Candaba Public Land Subdivision. Area seven hundred ninety two thousand five hundred forty four (792,544) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Pampanga, at its session to be held in the Municipality of San Fernando, Province of Pampanga, Philippines, on the 8th day of August, 1975, at 9:00 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Isaac S. Puno, Jr., Presiding Judge of said Court, the 3rd day of June, in the year, 1975.

Issued at Quezon City, Philippines, this 9th day of June, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration
By: GREGORIO C. SEMBRANO
Acting Chief, Docket Division
[24, 25]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE
OF PANGASINAN

Land Registration Case No. U-796
LRC Record No. N-46414

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, Lingayen, Pangasinan; the 2nd Pangasinan Highway District Engineer, Rosales, Pangasinan; the District Land Office No. I-7, Dagupan City; the Municipal Mayor, the Municipal Council, Urdaneta, Pangasinan; Alejandro Pabaera, Anacleto Roque, Julio delos Santos, Severino Pablo or Pabo, Juan Taaca, Casimiro Taaca and Lotia Agapito, Sto. Domingo, Urdaneta, Pangasinan; and to all whom it may concern:

Whereas, an application has been presented to this Court by Jose Taclas, Barrio Sto. Domingo, Urdaneta, Pangasinan, thru Atty. Dionisio C. Antiniw, Urdaneta, Pangasinan, to register and confirm his title to the following property:

A parcel of land (plan Psu-158325), situated in the Barrio of Palina, Municipality of Urdaneta, Province of Pangasinan. Bounded on the N. by property of Alejandro Pabaera; on the E. by properties of Alejandro Pabaera and Anacleto Roque; on the SE. by properties of Julio delos Santos and Severino Pablo or Pabo; on the S. by property of Juan Taaca; and on the W. & NW. by property of Casimiro Taaca. Point "1" is S. 24 deg. 45 min. W., 2,302.11 meters from BLLM 1, Nancayasan, Urdaneta, Pangasinan. Area six thousand seven hundred fifty-eight (6,758) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Pangasinan, at its session to be held in the Municipality of Urdaneta, Province of Pangasinan, Philippines, on the 7th day of November, 1975, at 8:00 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Angel P. Bacani, Judge of said Court, the 5th day of March, in the year 1975.

Issued at Quezon City, Philippines, this 12th day of May, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration
By: GREGORIO C. SEMBRANO
Acting Chief, Docket Division
[24, 25]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF
PANGASINAN

Land Registration Case No. U- 799
LRC Record No. N-46636

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, Lingayen, Pangasinan; the 2nd Pangasinan Highway District Engineer, Rosales, Pangasinan; the District Land Office No. I-7, Dagupan City; the Municipal Mayor, the Municipal Council, Segundo Carulla, Anastacio Galla-

nuggo, Dionisia Lomboy, Filomena Agustin, Pedro Sumapit, San Manuel, Pangasinan; Domingo Rebodos, Cabaritan, San Manuel, Pangasinan; Espirita Navarrete, Coldit, Asingan, Pangasinan; the Heirs of Victoriano Ramos, % Antonio Ramos, Segundo dela Cruz and Facundo delos Trine, San Juan, San Manuel, Pangasinan; and to all whom it may concern:

Whereas, an application has been presented to this Court by Felix Gallero, Cabaritan, San Manuel, Pangasinan and Antonio Ramos, Coldit, Asingan, Pangasinan, thru Atty. Ulysses Raciles, Butuyan, Asingan, Pangasinan, to register and confirm their title to the following property:

A parcel of land (Lot 4789, Cad. 3, San Manuel Cadastre, plan Ap-22139), situated in the Barrio of San Juan, Municipality of San Manuel, Province of Pangasinan. Bounded on the NE. by properties of Dionisia Lomboy and Filomena Agustin; on the SW., by properties of Victoriano Ramos and Segundo Carulla; and on the NW. by Colabong creek. Point "1" is S. 75 deg. 45 min. E., 123.70 meters from BBM 20, Cad. 3, San Manuel Cadastre. Area six thousand four hundred fifty-six (6,456) square meters, more or less

You are hereby cited to appear before the Court of First Instance of Pangasinan, at its session to be held in the Municipality of Urdaneta, Province of Pangasinan, Philippines, on the 12th day of November, 1975, at 8:00 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Angel P. Bacani, Judge of said Court, the 20th day of March, in the year 1975.

Issued at Quezon City, Philippines, this 19th day of May, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration
By: GREGORIO C. SEMBRANO
[24, 25] Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF
PANGASINAN

Land Registration Case No. U-801
LRC Record No. N-46796

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visa-

yas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, Lingayen, Pangasinan; the 2nd Pangasinan Highway District Engineer, Rosales, Pangasinan; the District Land Office No. 1-7, Dagupan City; the Municipal Mayor, the Municipal Council, Binalonan, Pangasinan; Alfredo Monico, Raymundo Fernandez, Severino Opana, Alejandrea Macabeo, Barrio Tabuyoc, Binalonan, Pangasinan; and to all whom it may concern:

Whereas, an application has been presented to this Court by Antonio F. Desamito, Barrio Tabuyoc, Binalonan, Pangasinan, thru Atty. Teodorico B. Estrada, Binalonan, Pangasinan, to register and confirm his title to the following property:

A parcel of land (plan Psu-250992), situated in the Barrio of Tabuyoc, Municipality of Binalonan, Province of Pangasinan. Bounded on the N. by a Barrio Road; on the E. by property of Alfredo Monico; on the SE. by property of Raymundo Fernandez; and on the W. by property of Severino Opana. Point "1" is S. 2 deg. 21 min. W., 3,838.12 meters from BLLM 1, Binalonan, Pangasinan. Area four hundred seventy seven (477) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Pangasinan, at its session to be held in the Municipality of Urdaneta, Province of Pangasinan, Philippines, on the 14th day of November, 1975, at 8:00 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Angel P. Bacani, Judge of said Court, the 7th day of April, in the year 1975.

Issued at Quezon City, Philippines, this 19th day of May, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration
By: GREGORIO C. SEMBRANO
[24, 25] Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF
PANGASINAN

Land Registration Case No. D-1438
LRC Record No. N-46965

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the

Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the 1st Pangasinan Highway District Engineer, Lingayen, Pangasinan; the District Land Office No. I-7, Dagupan City; the Municipal Mayor, the Municipal Council, Gaudencio Ferrer, Felipe Jutie, Ramon Torres, Lorenzo Salinas, Juan Estrada, Marcela Ferrer, Felipe Dioquino, Victor Peralta, Emilia Ventanilla, Manuel Episcopo, Maximo Jutie, Irineo Episcopo, Faustina Jutie, Francisca Episcopo, Juan Robosa and Federico Soriano, Calasiao, Pangasinan; and Eleuterio Baruelo, Polo, Bulacan; and to all whom it may concern:

Whereas, an application has been presented to this Court by spouses Roman F. Jutie and Balbina Ferrer, Longos, Calasiao, Pangasinan, to register and confirm their title to the following properties:

1. A parcel of land (Lot 1, plan Psu-209415, Sheet 1), situated in the Barrio of Talibeo, Municipality of Calasiao, Province of Pangasinan. Bounded on the NE. by property of Lorenzo Salinas; on the SE. by properties of Juan Estrada; Marcela Ferrer; and Maximo Jutie; on the SW. by property of Gaudencio Ferrer; and on the NW. by properties of Felipe Jutie and Ramon Torres. Point "1" is S. 44 deg. 37 min. E., 1,971.59 meters from BLLM 1, Calasiao, Pangasinan. Area seven thousand one hundred thirty one (7,131) square meters, more or less.

2. A parcel of land (Lot 2, plan Psu-209415, Sheet 2), situated in the Barrio of Longos, Municipality of Calasiao, Province of Pangasinan. Bounded on the NE. by property of Emilia Ventanilla; on the SE. by a Callejon; on the SW. by the Provincial Road; and on the NW. by properties of Felipe Dioquino and Victor Peralta. Point "1" is S. 19 deg. 58 min. E., 1,360.38 meters from BLLM 1, Calasiao, Pangasinan. Area three thousand five hundred ninety one (3,591) square meters, more or less.

3. A parcel of land (Lot 3, plan Psu-209415, Sheet 2), situated in the Barrio of Longos, Municipality of Calasiao, Province of Pangasinan. Bounded on the NE. by property of Gaudencio Ferrer; on the SE. by property of Irineo Episcopo; on the SW. by property of Faustina Jutie; and on the NW. by property of Manuel Episcopo. Point "1" is S. 6 deg. 10 min. E., 1,503.62 meters from BLLM 1, Calasiao, Pangasinan. Area six thousand five hundred ninety four (6,594) square meters, more or less.

4. A parcel of land (Lot 4, plan Psu-209415, Sheet 2), situated in the Barrio of Longos, Municipality of Calasiao, Province of Pangasinan.

Bounded on the N. and NE. by property of Gaudencio Ferrer; on the SE. by properties of Eleuterio Baruelo, Gaudencio Ferrer, Maximo Jutie and Francisca Episcopo; on the SW. by property of Federico Soriano; and on the NW. by Lot 5. Point "1" is S. 10 deg. 52 min. E., 1,772.28 meters from BLLM 1, Calasiao, Pangasinan. Area ten thousand one hundred fifty two (10,152) square meters, more or less.

5. A parcel of land (Lot 5, plan Psu-209415, Sheet 2), situated in the Barrio of Longos, Municipality of Calasiao, Province of Pangasinan. Bounded on the N. by property of Gaudencio Ferrer; on the SE. by Lot 4; on the SW. by property of Federico Soriano; and on the NW. by the Maros River. Point "1" is S. 10 deg. 15 min. E., 1,669.50 meters from BLLM 1, Calasiao, Pangasinan. Area five hundred seventy eight (578) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Pangasinan, at its session to be held in the City of Dagupan, Philippines, on the 25th day of September, 1975, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Felipe P. de Vera, Executive Judge of said Court, the 16th day of April, in the year 1975.

Issued at Quezon City, Philippines, this 19th day of May, 1975.

Attest:

GREGORIO BILOG, JR.
Commissioner of Land Registration

[24, 25]

By: GREGORIO C. SEMBRANO
Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF
PANGASINAN

Land Registration Case No. D-1439
LRC Record No. N-47006

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the 1st

Pangasinan Highway District Engineer, Lingayen, Pangasinan; the District Land Office No. I-7, Dagupan City; the Municipal Mayor, the Municipal Council, Proceso Cabatbat and Elpidio Roy, Calasiao, Pangasinan; Felicidad Agas and Filomena Galivo, Bo. Gabon, Calasiao, Pangasinan; and to all whom it may concern:

Whereas, an application has been presented to this Court by Jose Bauzon, Bo. Gabon, Calasiao, Pangasinan, to register and confirm his title to the following property:

A parcel of land (Lot 3961, Calasiao Cadastre, Cad.-439-D, Case 5, plan As-1-00085), with the building and improvements thereon, situated in the Barrio of Gabon, Municipality of Calasiao, Province of Pangasinan. Bounded on the NE. by property of Proceso Cabatbat; on the SE. by property of Elpidio Roy; on the SW. by a Callejon; and on the NW. by MacArthur Highway. Point "1" is N. 61 deg. 52 min. E., 1,094.69 meters from BLLM 1, Calasiao Cadastre, Cad. 439-D. Area six hundred forty six (646) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Pangasinan, at its session to be held in the City of Dagupan, Philippines, on the 1st day of October, 1975, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Felipe P. de Vera, Executive Judge of said Court, the 23rd day of April, in the year 1975.

Issued at Quezon City, Philippines, this 19th day of May, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration
By: GREGORIO C. SEMBRANO
[24, 25] Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF QUEZON

Land Registration Case No. G-204
LRC Record No. N-46977

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform,

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Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, the District Land Office No. IV-3, Lucena City; the Municipal Mayor, the Municipal Council, Juan Aurellana, Pedro Aurellana, Victoriano Aurellana, Felix Aurellana and Quirino Culla, San Narciso, Quezon; and to all whom it may concern:

Whereas, an application has been presented to this Court by Felicisima Rellesiva, San Narciso, Quezon, thru Atty. Natalio T. Paril, Jr., Gumaca, Quezon, to register and confirm her title to the following property:

A parcel of land (plan Psu-243043), with the building and improvements thereon, situated in the Poblacion, Municipality of San Narciso, Province of Quezon. Bounded on the N. by property of Felix Aurellana, et al.; on the E. by A. Mabini Street; on the S. by property of Pedro Aurellana; and on the W. by property of Quirino Culla. Point "1" is S. 73 deg. 03 min. W., 98.73 meters from BLLM 2, Pls-413-D, San Narciso Public Land Subdivision. Area one hundred fifty two (152) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Quezon, at its session to be held in the Municipality of Gumaca, Province of Quezon, Philippines, on the 16th day of September, 1975, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Mapalad A. Nañadiego, Judge of said Court, the 21st day of April, in the year 1975.

Issued at Quezon City, Philippines, this 19th day of May, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration
By: GREGORIO C. SEMBRANO
[24, 25] Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF QUEZON

Land Registration Case No. N-G-206
LRC Record No. N-47007

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the Director, Bureau of Forest Development, Vis-

yas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, the District Land Office No. IV-3, Lucena City; the Municipal Mayor, the Municipal Council, Heirs of Francisco Rabe, Santiago O. Rivera, Francisco Urgino, Agapito Fontamillas, Angelo Menchero or Mendero, San Narcisco, Quezon; and to all whom it may concern:

Whereas, an application has been presented to this Court by Salud Fontelara, San Narciso, Quezon, thru Atty. Natalio T. Paril, Jr., Atimonan, Quezon, to register and confirm her title to the following property:

A parcel of land (plan Psu-04-002369), situated in the Poblacion, Municipality of San Narciso, Province of Quezon. Bounded on the N. by property of the Heirs of Francisco Rabe; on the NE. by property of Agapito Fontamillas; on the S. by property of Angelo Menchero; or Mendero; and on the W. by M. Ramos Street. Point "1" is S. 74 deg. 58 min. E., 151.43 meters from BLLM 1, Pls-413-D, San Narciso Public Land Sub-division. Area one hundred fifty-eight (158) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Quezon, at its session to be held in the Municipality of Gumaca, Province of Quezon, Philippines, on the 15th day of October, 1975, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Juan B. Montecillo, Judge of said Court, the 29th day of April, in the year 1975.

Issued at Quezon City, Philippines, this 19th day of May, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration
By: GREGORIO C. SEMERANO
[24,25] Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF RIZAL

Land Registration Case No. N-8211

LRC Record No. N-44105

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the

District Land Office No. IV-1, 757 Gen. Solano, San Miguel, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer and the General Manager, Laguna Lake Development Authority, Pasig, Rizal; the Municipal Mayor, the Municipal Council, the Heirs of Apolonio Ocol, Enrique Isagon, Francisca C. Quilatan, Simeon or Semion Jura, Pedro Sarmiento, Esteban Manion or Maglipon, Miguel Sanña, Nicanor G. Lontok, C.A. Lontok, Tomas Vicencio, Teresita P. de Vicencio, Pedro Bonifacio, Gregorio Ramos and Pablo Sanga, Taguig, Rizal; Lucila C. Mabilin, Calzada, Taguig, Rizal; and to all whom it may concern:

Whereas, an application has been presented to this Court by Sofia B. Vicencio, Leticia O. Vicencio and Marcelino O. Vicencio, Taguig, Rizal, thru Atty. Artemio B. Mallare, 343 F. Roxas, Grace Park, Calocan City, to register and confirm their title to the following properties:

Seven (7) parcels of land with the improvements thereon, situated in the Barrio of Calzada, Municipality of Taguig, Province of Rizal. The boundaries and areas of said parcels are as follows:

1. A parcel of land (Lot 3, plan Psu-246508, Sheet 1). Bounded on the NE., by Lot 2; on the SE., by Lot 8; on the SW., by Lot 4; and on the NW., by Lot 11. Point "1" is N. 37 deg. 19 min. E., 1,039.10 meters from BLLM 1, Taguig, Rizal. Area one thousand three hundred forty-two (1,342) square meters, more or less.

2. A parcel of land (Lot 4, plan Psu-246508 Sheet 1). Bounded on the NE., by Lot 3; on the SE., by Lot 9; on the SW., by Lot 5; and on the NW., by Lot 11. Point "1" is N. 37 deg. 16 min. E., 1,026.02 meters from BLLM 1, Taguig, Rizal. Area two thousand one hundred thirty eight (2,138) square meters, more or less.

3. A parcel of land (Lot 5, plan Psu-246508, Sheet 1). Bounded on the NE., by Lots 11 and 4; on the SE., by Lot 10; on the SW., by property of Enrique Isagon; and on the NW., by P. Burgos Street. Point "1" is N. 36 deg. 07 min. E., 981.78 meters from BLLM 1, Taguig, Rizal. Area two thousand one hundred ninety-nine (2,199) square meters, more or less.

4. A parcel of land (Lot 8, plan Psu-246508, Sheet 1). Bounded on the NE., by Lot 7; on the SE., by a creek; on the SW., by Lot 9; and on the NW., by Lot 3. Point "1" is N.

41 deg. 44 min. E., 1,034.75 meters from BLLM 1, Taguig, Rizal. Area one hundred forty-nine (149) square meters, more or less.

5. A parcel of land (Lot 9, plan Psu-246508, Sheet 1). Bounded on the NE., by Lot 8; on the SE., by a creek; on the SW., by Lot 10; and on the NW., by Lot 4. Point "1" is N. 41 deg. 44 min. E., 1,034.75 meters from BLLM 1, Taguig, Rizal. Area ninety nine (99) square meters, more or less.

6. A parcel of land (Lot 10, plan Psu-246508, Sheet 1). Bounded on the NE., by Lot 9; on the SE., by a creek; and on the NW., by Lot 5. Point "1" is N. 40 deg. 57 min. E., 997.22 meters from BLLM 1, Taguig, Rizal. Area thirty-nine (39) square meters, more or less.

7. A parcel of land (Lot 12, plan Psu-246508, Sheet 2). Bounded on the N., by a creek; on the NE., by properties of Francisca C. Quilatan and Simeon or Semion Juta; on the SE., and S., by property of Pedro Sarmiento; and on the SW., by properties of Esteban Manipon or Maglipon (now) Nicanor J. Lontoc & C.A. Lontoc and Miguel Sañga. Point "1" is N. 47 deg. 07 min. E., 1,002.76 meters from BLLM 1, Taguig, Rizal. Area two thousand three hundred ninety-four (2,394) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Rizal, at its session to be held at the Hall of Justice, Provincial Capitol Compound, Municipality of Pasig, Province of Rizal, Philippines, on the 19th day of September, 1975, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Emilio V. Salas, Presiding Judge, Branch I of said Court, the 25th day of April, in the year 1975.

Issued at Quezon City, Philippines, this 19th day of May, 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration
By: GREGORIO C. SEMBRANO
[24, 25] Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF RIZAL

Land Registration Case No. N-8674
LRC Record No. N-46622

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands,
the Director of Public Works, Manila; the

District Land Office No. IV-1, Gen. Solano, San Miguel, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, the General Manager, Laguna Lake Development Authority, Pasig, Rizal; the Municipal Mayor, the Municipal Council, Binangonan, Rizal; Silverio Ramirez, Sabina Vocalan or Bocalan, Gabriel Obiadas, Tayuman, Binangonan, Rizal; Rosalina Francisco and Teofilo Villamayor, Angono, Rizal; Macario Aragosa, Tagpos, Tayuman, Binangonan, Rizal; and Beatriz Francisco, 934 Matimyas St., Sampaloc, Manila; and to all whom it may concern:

Whereas, an application has been presented to this Court by Jose C. Roque, 934 Matimyas St., Sampaloc, Manila; assisted by Atty. Eliodoro G. Ubiadas, 3rd Floor, Far East Bldg., Buendia, Avenue, Makati, Rizal, to register and confirm his title to the following property:

A parcel of land (Lot 1, plan Psu-248665), with the improvements thereon, situated in the Barrio of Tayuman, Municipality of Binangonan, Province of Rizal. Bounded on the NE., by properties of Silverio Ramirez and Rosalina Francisco; on the SE., by property of Rosalina Francisco; on the SW., by National Highway to Manila and property of Sabina Vocalan or Bocalan; and on the NW., by property of Silverio Ramirez; Point "1" is N. 44 deg. 43 min. W., 1,857.70 meters from BLLM 2, Darangan, Binangonan, Rizal. Area five thousand one hundred eighty-four (5,184) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Rizal, at its session to be held in the Municipality of Pasig, Province of Rizal, Philippines, on the 14th day of November, 1975, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Gregorio G. Pineda, Judge of said Court, the 24th day of April, in the year 1975.

Attest: GREGORIO BILOG, JR.
Commissioner of Land Registration
By: GREGORIO C. SEMBRANO
[24, 25] Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF RIZAL

Land Registration Case No. N-8768
LRC Record No. N-47008

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the District Land Office No. IV-1, 757 Gen. Solano, San Miguel, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer, the General Manager, Laguna Lake Development Authority, Pasig, Rizal; the Municipal Mayor, and the Municipal Council, Taguig, Rizal; Lino Jose, the Heirs of Jose Reyes or Rayos del Sol; Monica Lorenzo, Monica Vda. de Carlos, Honorata Carlos, Maria Carlos, Virginia Carlos, Amparo Carlos, Isaac Carlos, Amado Carlos and Mamerta Carlos, Ususan, Taguig, Rizal; and to all whom it may concern:

Whereas, an application has been presented to this Court by Jacinto Carlos, Ususan, Taguig, Rizal, assisted by Atty. Manuel E. Dimaquila, Rm. 303 Medalla Bldg., 596 E. delos Santos Avenue, Cubao, Quezon City, to register and confirm his title to the following properties:

Two (2) parcels of land with the building and improvements thereon, situated in the Barrio of Ususan, Municipality of Taguig, Province of Rizal. The boundaries and areas of said parcels are as follows:

1. A parcel of land (Lot 1, plan Psu-186619). Bounded on the NE and SE, by property of the Heirs of Jose Reyes or Rayos del Sol; on the SW, by Lot 2; and on the NW, by property of Lino Jose. Point "1" is N. 33 deg. 51 min. W., 1,078.12 meters from BLLM 1, Taguig, Rizal. Area one hundred thirty-six (136) square meters, more or less.

2. A parcel of land (Lot 2, plan Psu-186619). Bounded on the NE, by Lot 1; on the SE, by property of the Heirs of Jose Reyes or Rayos del Sol; on the SW, by General Luna Street (National Road); and on the NW, by property of Lino Jose. Point "1" is N. 33 deg. 51 min. W., 1,078.12 meters from BLLM 1, Taguig, Rizal. Area one hundred forty-nine (149) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Rizal, at its session to be held at Branch VIII, Municipality of Pasig, Province of Rizal, Philippines, on the

2nd day of October, 1975, at 8:30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Serafin E. Camilon, Judge of said Court, the 24th day of April, in the year 1975.

Issued at Quezon City, Philippines, this 19th day of May, 1975.

Attest:

GREGORIO BILOG, JR.

Commissioner of Land Registration

By: GREGORIO C. SEMBRANO

[24. 25]

Acting Chief, Docket Division

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF RIZAL

Land Registration Case No. N-8786
LRC Record No. N-47011

NOTICE OF INITIAL HEARING

To the Solicitor General, the Director of Lands, the Director of Public Works, Manila; the District Land Office No. IV-1, 757 Gen. Solano, San Miguel, Manila; the Director, Bureau of Forest Development, Visayas Avenue, Diliman, Quezon City; the Hon. Secretary, Department of Agrarian Reform, Elliptical Road, Diliman, Quezon City; the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works District Engineer, the Highway District Engineer and the General Manager, Laguna Lake Development Authority, Pasig, Rizal; the Municipal Mayor, the Municipal Council, Pedro Sumulong, Leonora Sumulong, Leoniza Sierra and Gregorio Bravo, Antipolo, Rizal; and to all whom it may concern:

Whereas, an application has been presented to this Court by Felix B. Marinas, Cristimar Village, Antipolo, Rizal, thru Atty. Leonardo C. Rodriguez, Rosal St., Bayanihan Village, Cainta, Rizal, to register and confirm his title to the following properties:

Two (2) parcels of land with the improvements thereon, situated in the Poblacion, Municipality of Antipolo, Province of Rizal. The boundaries and areas of said parcels are as follows:

1. A parcel of land (plan Psu-156213). Bounded on the E., by property of Pedro Sumulong & Leonora Sumulong; on the SW, and W., by the Provincial Road; and on the NW., by a

Circumferential Road. Point "1" is S. 34 deg. 41 min. E., 901.37 meters from BLLM 1, Antipolo, Rizal. Area seven hundred seventy (770) square meters, more or less.

2. A parcel of land (plan Psu-235658). Bounded on the N., by property of Gregorio Bravo; on the E. and SE., by Callejon Bonifacio; on the S. by Callejon Martinez; and on the W., by property of Leoniza Sierra. Point "1" is S. 62 deg. 55 min. W., 139.32 meters from BLLM 1, Antipolo, Rizal. Area one hundred five (105) square meters, more or less.

You are hereby cited to appear before the Court of First Instance of Rizal, at its session to be held at Branch VIII, Municipality of Pasig, Province of Rizal, Philippines, on the 26th day of September, 1975, at 8:30 o'clock in

the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed and you will be forever barred from contesting said application or any decree entered thereon.

Witness, the Hon. Serafin E. Camilon, Judge of said Court, the 23rd day of April, in the year 1975.

Attest:

GREGORIO BILOG, JR.
Commissioner of Land Registration

[24, 25]

By: GREGORIO C. SEMBRANO
Acting Chief, Docket Division

Kawanihan ng mga Lupain (BUREAU OF LANDS)

[FOURTH PUBLICATION]

SALE OF PUBLIC LANDS

Notice is hereby given that the Bureau of Lands at Kidapawan, North Cotabato will sell through oral bidding to the highest bidder at 10:00 o'clock A.M. on July 21, 1975 the tract of land described below:

Location of Land: Kabakan, North Cotabato

Description: Lot No. 95, Ts-266

Area: 300 square meters

Appraised Value of Land: P3.00 per square meter

Value of Existing Improvements: P2,020.00—
house and clearing

Applied for: M.S.A. No. (VIII-5)520 For-
tunato Salcedor, Jr.

In order that a person may be entitled to participate in the bidding, he must, before the commencement of the same, make deposit of at least ten percent (10%) of the appraised value of the land. During the bidding, the bidder has to make an additional deposit everytime his bid is raised to complete the 10% of his raised bid; otherwise, such bid as raised shall not be accepted. Only deposit in cash, money order, treasury warrant, certified check, cashier's check or manager's check can be accepted.

The successful bidder if other than the applicant must reimburse the latter of the value of the improvements and the expenses for the publication of the notice of auction.

The right is reserved to reject any or all bids.

Manila, April 18, 1975.

(Sgd.) RAMON N. CASANOVA

Director of Lands

[22-27]

[FIFTH PUBLICATION]**SALE OF PUBLIC LANDS**

Notice is hereby given that the Bureau of Lands at Baler, Quezon, will sell to the highest qualified bidder at ten o'clock (10:00) A.M. on July 23, 1975, the tract of land covered by Sales Application No. (III-10)124 of GABRIEL AMPONGET

Location: Maria Aurora, Quezon

Description: Lot No. 167, Pls-267

Area: 3.0000 hectares

Appraised value of land: P100.00 per hectare

Appraised value of improvements: P850.00—
house, coconuts, coffee, etc.

All bids must be sealed and submitted to the Bureau of Lands at Baler, Quezon, on or before the hour and date stated above and plainly marked

"Bid for the land described in Sales Application No. (III-10)124". Bids must be accompanied with cash, money order, treasury warrant, certified check, cashier's check or manager's check for a sum equivalent to 10% of the bid. When a bid is withdrawn after the highest bidder is determined, the corresponding deposit therefor shall be forfeited to the Government. No bid shall be less than the appraised value of the land. The right is reserved to reject any or all bids.

The successful bidder if other than the applicant must reimburse the latter of the value of the improvements and the expenses for the publication of the notice of auction.

Manila, April 15, 1975.

[21-26]

RAMON N. CASANOVA
Director of Lands

Bayan ng Malabon
(MUNICIPALITY OF MALABON)

[LAST PUBLICATION]

REPUBLIC OF THE PHILIPPINES
PROVINCE OF RIZAL
MUNICIPALITY OF MALABON
OFFICE OF THE MAYOR

INVITATION TO PRE-QUALIFY BIDDERS

The Municipality of Malabon will receive pre-qualification forms (Pre C-1 and Pre C-2) duly accomplished from general contractors interested to bid for the construction of the "PROPOSED MALABON CENTRAL MARKET", Malabon, Rizal.

Pre-qualification forms duly accomplished shall be submitted to the Office of the Municipal Engineer, this municipality, not later than 4:00 P.M., June 27, 1975.

Financial Requirements:

Cash	P1,000,000.00
Established credit line	P1,000,000.00

Forms and other information regarding the aforestated proposed project may be obtained from the Office of the Municipal Engineer starting 13 June 1975.

[23-25]

(Sgd.) MAYNARDO R. ESPIRITU
Mayor

Bayan ng Tarlac
(MUNICIPALITY OF TARLAC)

REPUBLIC OF THE PHILIPPINES
MUNICIPALITY OF TARLAC
TARLAC

OFFICE OF THE MAYOR

INVITATION TO PRE-QUALIFY BIDDERS

The Municipality of Tarlac will receive pre-qualification forms (Pre C-1 and Pre C-2) duly accomplished from general contractors interested to bid for the construction of the "PROPOSED TARLAC PUBLIC MARKET", Tarlac, Tarlac.

Pre-qualification forms duly accomplished shall be submitted to the Office of the Mayor, this municipality, not later than 4:00 P.M., 11 July, 1975.

Financial Requirements:

Cash	P750,000.00
<i>Established credit line</i>	1,250,000.00

Forms and other information regarding the aforementioned proposed project may be obtained from the Office of the Mayor starting 27 June, 1975.

(Sgd.) LINO G. DAVID
Municipal Mayor

[24-26]

Lupon ng Pamumuhunan (BOARD OF INVESTMENTS)

[SECOND PUBLICATION]

REPUBLIC OF THE PHILIPPINES
OFFICE OF THE PRESIDENT
BOARD OF INVESTMENTS

NOTICE

Notice is hereby given that pursuant to Section 4 of Republic Act No. 5455, WEE LO KANG, a citizen of the Republic of China, with office address at Lebak, Sultan Kudarat, has filed with the Board of Investments an application for a license to engage in the restaurant business in Sultan Kudarat. The business is capitalized at P5,000.00 Philippine currency.

This application shall be considered as approved and such approval shall be effective only after fifteen (15) days from the last date of publication and upon submission of proofs of publication of this notice and compliance with the other requirements of R. A. 5455 and its implementing rules and regulations. This is, further, subject to the following conditions:

- 1) That the capital of the restaurant business shall not at any time exceed P5,000.00; and
- 2) That he shall submit an annual report of his business activities (using the prescribed BOI Form No. 5032) on or before March 31 of each year.

May 5, 1975, Pasig, Rizal, Philippines.

(Sgd.) ROBERTO C. CONCEPCION, JR.
[24-26] Board Secretary

REPUBLIC OF THE PHILIPPINES
OFFICE OF THE PRESIDENT
BOARD OF INVESTMENTS
ORTICAS BUILDING, ORTICAS AVENUE
PASIG, RIZAL, PHILIPPINES D-721

NOTICE

Notice is hereby given that pursuant to Section 4 of Republic Act No. 5455, HUTCHISON INTERNATIONAL LIMITED, a Hongkong corporation, with office address at 6760 Ayala Avenue, Makati, Rizal, c/o Sycip, Gorres, Velayo & Co., has filed with the Board of Investments an application for a license to engage in the following activities:

- a) To the extent allowed by the Constitution and laws of the Philippines, to invest in, subscribe for, hold, purchase or otherwise dispose of, shares of capital stock, bonds, debentures, securities or other evidences of indebtedness issued or created by any

other corporation, partnership, company, association or other form of business entity, whether domestic or foreign, and while the holder of such shares of stock, bonds, debentures, securities or other evidences of indebtedness, to exercise all the rights and privileges of ownership to the extent allowed by law, without dealing in securities or engaging in the stock brokerage business;

- b) To carry on the business of rendering financial advisory services and/or assistance in the organization, development and/or expansion of agricultural, industrial, commercial, manufacturing and other productive enterprises;
- c) To encourage, arrange and/or solicit financial assistance and facilities or assist in the formation of private capital and or private acquisition or holding of shares, securities, bonds, debentures and such other interests in said productive enterprises;
- d) To promote, improve, provide and/or render technical, managerial, financial, administrative and advisory services in connection with investments in the Philippines by foreign capital and/or investors;
- e) To export, either as a principal exporter or as an agent of foreign buyers the following products to their corresponding markets:

- 1) asbestos cement; corrugated GI sheets; wall tiles; wood parquet flooring; abaca handicrafts; children's garments; and canned food items, i.e. canned meat, pork and beans and tomato sauce to Hongkong;

- 2) furniture to the U.S.A., Germany, France, and the Middle East;

- f) To export to Hongkong the following products as agents of foreign buyers:

- 1) cement (Portland Gray Cement Type I ASTM C-1501),

- 2) plywood sheets;

- g) To export Manila hemp and abaca to the People's Republic of China provided prior clearance from the Department of Trade is secured in accordance with Executive Order No. 384 dated March 11, 1972.

The business is capitalized at US\$25,000.00, or its equivalent in Philippine currency.

This application shall be considered as approved and such approval shall be effective only after fifteen (15) days from the last date of publication and upon submission of proofs of publication of this notice and compliance with the other requirements of R.A. 5455 and its implementing rules and regulations. This is, further, subject to the following conditions:

- 1) That applicant firm shall not avail of domestic credit resources;
- 2) That as management consultants, the firm shall confine its services to its existing affiliate firms or to new foreign corporations or joint venture enterprises which it may have attracted into the Philippines and subsequently allowed to do business in the country;
- 3) That it shall not engage in activities reserved primarily for investment houses;
- 4) That the exportation of cement shall be undertaken through the Philippine Cement Corporation;
- 5) That the approval of the Iron and Steel Authority shall be secured prior to the exportation of corrugated GI sheets;
- 6) That the entry and employment of its foreign personnel shall be subject to the pertinent immigration and labor laws of the Philippines and shall be strictly in accordance with the laws applicable to the practice of their profession;
- 7) That it shall bring in foreign investments of at least US\$25,000.00 or its equivalent in Philippine currency;
- 8) That it shall conform strictly with the established codes of business conduct;
- 9) That its export products shall meet overseas buyers' quality standards;
- 10) That the firm shall guarantee that its shipment shall adhere rigidly to specifications mutually agreed upon and in accordance with product samples presented in every detail;

- 11) That it shall submit samples of its export products for presentation and examination by the Board;
- 12) That it shall export within one (1) year from the date of its registration; and
- 13) That it shall submit an annual report of its business activities (using BOI Form No. 5032) on or before March 31 of each year.

April 10, 1975, Pasig, Rizal, Philippines.

(Sgd.) ROBERTO C. CONCEPCION, JR.
[24-26] Board Secretary

REPUBLIC OF THE PHILIPPINES
OFFICE OF THE PRESIDENT
BOARD OF INVESTMENTS
ORTIGAS BUILDING, ORTIGAS AVENUE
PASIG, RIZAL, PHILIPPINES D-721

NOTICE

Notice is hereby given that pursuant to Section 4 of Republic Act No. 5455, WONG EN, a citizen of the Republic of China, with office address at Calinan, Davao City, has filed with the Board of Investments an application for a license to engage in tailoring business in Calinan, Davao City. The business is capitalized at ₱3,000.00, Philippine currency.

This application shall be considered as approved and such approval shall be effective only after fifteen (15) days from the last date of publication and upon submission of proofs of publication of this notice and compliance with the other requirements of R.A. 5455 and its implementing rules and regulations. This is, further, subject to the condition that he shall submit an annual report of his business activities on or before March 31 of each year.

November 7, 1974, Pasig, Rizal, Philippines.

(Sgd.) ROBERTO C. CONCEPCION, JR.
[24-26] Board Secretary

[LAST PUBLICATION]

REPUBLIC OF THE PHILIPPINES
OFFICE OF THE PRESIDENT
BOARD OF INVESTMENTS
ORTIGAS BUILDING, ORTIGAS AVENUE
PASIG, RIZAL, PHILIPPINES

NOTICE

Notice is hereby given that pursuant to Section 4 of Republic Act No. 5455, FIRST NATIONAL CITY OVERSEAS INVESTMENT CORPORATION, an American corporation, with office address at A. Soriano Building, Ayala Avenue, Makati, Rizal, % Atty. Hector Martinez, *Siquion-Reyna, Montecillo & Ongsiako, has filed with the Board of Investments an application for a license to establish a Philippine branch to manage, supervise and operate its subsidiaries and affiliates and the subsidiaries and affiliates of FNCEB, its parent company.

This application shall be considered as approved and such approval shall be effective only after fifteen (15) days from last date of publication and upon submission of proofs of publication of this notice and compliance with the other requirements of R.A. 5455 and its implementing rules and regulations. This is, further, subject to the following conditions:

- 1) That the authority to manage, supervise and operate its subsidiaries and affiliates shall be limited to those firms in which FNCOIC and FNCEB have equity investments of at least 80% to protect;
- 2) That the management contracts entered into or to be entered into by applicant firm pursuant to this authority shall be submitted to the Board of Investments and the Central Bank for review and evaluation;
- 3) That the fees stipulated in its management agreement shall from time to time be subject to review by the Board of Investments and the Central Bank for the purpose of determining whether or not the fees may be maintained or reduced as the financial capacity of its firm will permit;
- 4) That it shall submit the required proof of reciprocity; and

- 5) That it shall submit an annual report of its business activities (using the prescribed BOI Form No. 5032) on or before March 31 of each year.

May 22, 1975, Pasig, Rizal, Philippines.

(Sgd.) ROBERTO C. CONCEPCION, JR.
[23-25] Board Secretary

REPUBLIC OF THE PHILIPPINES
OFFICE OF THE PRESIDENT
BOARD OF INVESTMENTS
ORTIGAS BUILDING, ORTIGAS AVENUE
PASIG, RIZAL, PHILIPPINES

NOTICE

Notice is hereby given that pursuant to Section 4 of Republic Act No. 5455, INTERNATIONAL HAM & SAUSAGE MANUFACTURING Co., a 100% Chinese-owned domestic partnership, with office address at No. 6 Sanciango Street, Malabon, Rizal, has filed with the Board of Investments an application for authority to convert its form of business organization from a partnership to a corporation. The business is capitalized at ₱1,101,591.97, Philippine currency.

This application shall be considered as approved and such approval shall be effective only after fifteen (15) days from the last date of publication and upon submission of proofs of publication of this notice and compliance with the other requirements of R.A. 5455 and its implementing rules and regulations. This is, further, subject to the following conditions:

- 1) That applicant firm shall submit proofs of dissolution of the partnership, International Ham & Sausage Manufacturing Co.;
- 2) That it shall not increase its production capacity without prior BOI approval; and
- 3) That it shall submit an annual report of its business activities (using the prescribed BOI Form No. 5032) on or before March 31 of each year.

May 26, 1975, Pasig, Rizal, Philippines.

(Sgd.) ROBERTO C. CONCEPCION, JR.
[23-25] Board Secretary

PRICE LIST OF PUBLIC DOCUMENTS

(Now available at the Government Printing Office)

PHILIPPINE REPORTS

	Government Printing Office	By Mail		Government Printing Office	By Mail
Volume 75	P47.00	P49.85	Volume IX—Containing Republic		
Volume 81	43.30	46.80	Acts Nos. 973-1201 (Paper		
Volume 82	43.30	46.80	Cover)	P11.00	P12.50
Volume 84	47.00	49.80	The above three volumes of		
Volume 85	47.00	49.80	Public Laws & Resolutions		
Volume 86	36.10	39.05	(Republic Acts Nos. 674-		
Volume 87	47.00	49.80	1201) (Cloth bound).....	47.70	50.00
Volume 88	47.00	49.80	Volume X—Containing Republic		
Volume 89	47.00	49.80	Acts Nos. 1202-1411 (Paper		
Volume 90	54.20	57.40	cover)	11.00	12.50
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Volume 92	57.75	60.70	Acts Nos. 1412-1612 (Paper		
Volume 93	67.15	69.15	cover)	11.00	12.50
Volume 94	67.15	69.15	Volume XII—Containing Republic		
Volume 95	59.55	61.75	Acts Nos. 1613-2049 (Paper		
Volume 96	60.65	62.85	cover)	11.50	12.50
Volume 97	64.95	67.10	The three above volumes of		
Volume 98	64.95	67.10	Public Laws & Resolutions		
Volume 99	67.15	69.45	(Republic Acts Nos. 1202-		
Volume 100	67.15	69.45	2049 combined in one book)		
Volume 101	71.55	73.75	(Cloth bound)	49.00	53.20
Volume 102	64.95	67.10	Volume XIII—Containing Republic		
Volume 103	68.70	70.40	Acts Nos. 2050-2093 (Paper		
Volume 104	68.70	70.40	cover)	7.25	9.85
Volume 105	77.15	79.20	Volume XIV—Containing Republic		
Volume 106	77.75	81.50	Acts Nos. 2094-2616 (Paper		
Volume 107	79.40	81.80	cover)	18.15	19.50
Volume 108	83.10	86.30	Volume XV—Containing Republic		
Volume 109	83.10	86.30	Acts Nos. 2617-3020 (Paper		
Volume 110	83.10	86.30	cover)	18.25	19.50
Volume 111	83.90	86.75	The above three volumes of		
Volume 112	83.90	86.75	Public Laws & Resolutions		
Volume 113	83.90	86.75	(Republic Acts Nos. 2030-		
Volume 114	83.90	86.75	3020) combined in one book,		
			(Cloth bound)	70.35	74.80

LAWS AND RESOLUTIONS

Volume I—Containing Republic			Volume XVI—Containing Republic		
Acts Nos. 1-89 (Paper cover) -	P13.40	P15.00	Acts Nos. 3451-3511 (Paper		
Volume II—Containing Republic			cover)	27.20	29.65
Acts Nos. 90-197 (Paper cover)	15.20	17.00	Volume XVII—Containing Republic		
The above three Volumes of			Acts Nos. 3021-3450 (Paper		
Public Laws & Resolutions			cover)	5.20	6.50
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combined in one book,			Acts Nos. 3513 to 3846		
(Cloth bound)			(Paper cover)	20.15	23.15
Volume IV—Containing Republic			The above three volumes of		
Acts Nos. 343-421 (Paper cover)	24.75	26.80	Public Laws & Resolutions		
Volume VI—Containing Republic			(Republic Acts Nos. 3021-		
Acts Nos. 591-673 (Paper cover)	7.45	9.20	3845) (Cloth Cover)	79.40	83.70
Volume VII—Containing Republic			Volume XIX—Containing Republic		
Acts Nos. 674-833 (Paper cover)	9.95	12.50	Acts Nos. 3847-4172 (Paper		
Volume VIII—Containing Republic			cover)	18.80	21.10
Acts Nos. 834-972 (Paper cover)	11.00	12.50	Volume XX—Containing Republic		
			Acts Nos. 4173-4641 (Paper		
			cover)	37.95	40.60

	Government Printing Office	By Mail		Government Printing Office	By Mail
CODE RULES					
Civil Code of the Philippines (Cloth bound)	₱18.15	₱19.50	Salary Data of the Philippines ..	₱8.05	9.20
Civil Code of the Philippines (Paper cover)	9.25	10.55	Forestry Administrative Order II (Revised)	2.70	3.85
Code of Crime (Paper cover)			Volume Table For Round Timber— Bulletin No. 12		
Revised Penal Code (Paper cover) ..	5.15	7.50	Logarithmic Table (Extract from American Practical Navigator) ..	9.10	10.40
National Internal Revenue Code (As amended up to September 1969) (Paper cover)	19.40	25.20	REPUBLIC ACTS		
National Internal Revenue Code (Paper cover—Old)	16.30	18.60	No. 409 "Revised Charter of the City of Manila"	1.60	2.85
Revenue Regulations No. V-8-A Collection at Source of Income Tax on Wages	2.00	2.45	No. 509 "Price Administration Board" .....	.40	.60
Election Code of 1971, Republic Act No. 6388	3.90	5.90	No. 594 "Amendment to certain sections of the National Internal Revenue Code relating to priv- ilege taxes on business" .....	.75	1.05
Rules of Court in the Philippines Effective January 1, 1964	14.45	17.40	No. 602 "An Act to establish a Minimum Wage Law & other purposes" .....	.75	1.05
Rules of Practice in the Philippines Patent Office in Patents	6.40	8.15	No. 637 "Amendments to Patent Law" .....	.75	1.05
Rules of Practice in the Philippines Patent Office in Trademarks	4.95	6.10	No. 660 "Reorganizing the GSIS & providing for Retirement under the Pension Plan" .....	.75	1.05
Rules of Practice in the Philippines Patent Office in Copyrights	3.70	5.05	No. 800 "Amendment of Republic Act No. 307" .....	.75	1.05
MANUALS, SCHOOL TEXTBOOKS & OTHER PUBLICATIONS			No. 875 "An Act to promote In- dustrial Peace & for other pur- poses" (Magna Carta of Labor) ..	.75	1.05
Old or New Constitution of the Philippines	2.50	2.60	No. 897 "Amending Republic Act No. 304 (Back Pay Law) .....	.40	.65
Saligang Batas ng Pilipinas	2.75	3.30	No. 1355 "Laurel-Langley Agree- ment"	1.10	1.45
National Language—English Vo- cabulary	2.90	3.55	Compilation of Retirement Laws (Republic Acts Nos. 660, 1616, 4968, 5969)	2.60	3.65
Balarila ng Wikang Pambansa (Paper cover)	7.20	8.70	Compilation of Civil Service Laws (Republic Acts Nos. 2260, 6040 and Civil Service Rules)	3.90	5.95
Government Manual, 1950 (Paper cover)	10.95	12.25	Workmens Compensation Act No. 3428	2.35	4.30
Discursos de Malolos y Poesias Filipino en Español	10.10	10.95	No. 3512 "An Act creating a Fisheries Commission defining its powers, duties & etc. ....	.75	1.05
Filipinas Su Glorioso—Pasado	10.10	10.95	No. 3590—"Barrio Charter .....	.75	1.05
Auditing Requirement for Typical Government Disbursements	1.05	1.37	No. 3844 "Agricultural Land Reform Code	1.95	2.65
Revised Barrio Accounting System ..	1.89	2.35	No. 4119—"Workmens Compensa- tion Act (Amendment) .....	.55	1.05
National Accounting & Auditing Manual Volume I	8.05	9.55	No. 4136—"Land Transportation Commission (LTC)	1.45	1.75
National Accounting & Auditing Manual Volume II	14.45	15.95	No. 4670 "Magna Carta for Public School Teachers" .....	.55	1.00
National Accounting & Auditing Manual Volume III	5.35	6.50	No. 4864 "Police Act of 1969	1.45	1.75
Manual on Pre-Audit of Govern- ment Disbursement	4.35	5.15	No. 4968 "New Retirement Law" ..	.90	1.10
Appellate Courts Reports, Volume VIII (Cloth bound)	47.05	60.85			
Biografia de Rizal by Dr. Rafael Palma (Paper cover)	14.45	15.95			
Official Directory—1970	18.55	20.20			

REPUBLIC ACTS

OFFICIAL GAZETTE

	Government Printing Office	By Mail	Year	Volume	Number		
No. 5166 "Accountancy Act of 1967" .....	.90	1.20	1968	64	1, 3, to 20, 22 to 27		
No. 5185 "Decentralization Act of 1967" .....	.90	1.20	1969	65	33-35, 37, 39-40, 45-47, 51		
No. 5186 "Investment Incentives Act"	1.45	1.75	1970	66	1-14, 16-35, 39-52		
No. 5490 "Port Entry Mariveles Bataan" .....	.75	1.00	1971	67	1 to 52, 48 No stock		
No. 5969 "Amendatory Act applicable to former members of the GSIS who had retired on or before 1951" .....	.75	1.00	1972	68	1 to 52; 40, 41, 50, 52 No stock		
No. 6040 "An Act to amend certain section of R.A. No. 2260 known as Civil Service Act of 1959" .....	.75	1.00	1973	69	1 to 53		
No. 6110 "Omnibus Tax Law"	3.60	6.20	1974	70	1 to 52; 27 No stock		
No. 6111 "The Phil. Medicare Commission" .....	.80	1.05	1975	71	1 to present		
No. 6125 "Stabilization Tax on Consignments Abroad" .....	.80	1.05	NOTE: Latest Publications now available at the Government Printing Office, Port Area, Manila.				
No. 6126 "Regulate Rental for two (2) years etc." .....	.75	1.00	Published in the Official Gazette are Presidential Decrees, Letters of Instructions and General Orders beginning with Volume 68, Number 39 to date.				
No. 6129 "An Act amending further the Minimum Wage Law by increasing the Minimum Wage, establishing a Wage Commission, and for other purposes"	1.45	2.25	Separate reprints of the following Decrees are also available:—				
No. 6359 "An Act to regulate Rentals for two years" .....	.80	1.05	Presidential Decree No. 34, Revised Tariff and Customs Code			Government Printing Office	By Mail
No. 6361 "Creating the Price Control Council"	1.00	1.35	Presidential Decree No. 69 "Amending Certain Sections of the National Internal Revenue Code"			18.70	23.15
No. 6362 "Public School Teachers Salary Standardization Act" .....	.80	1.05	Presidential Decree No. 71, Amending Rep. Act. No. 337 the General Banking Act			1.65	2.15
No. 6389 "Amendment of Rep. Act No. 3844"	1.45	2.25	The Local Tax Code .....			.55	.90
No. 6390 "To accelerate the Implementation of the Agrarian Reform Program Account Fund)" .....	.65	1.00	Rules of Workmens Compensation Commission			2.75	8.30
No. 6414 "An Act increasing the minimum limit of Salaries of Municipal Officers"	1.00	1.35	Presidential Decree No. 230 "Amending the Tariff and Custom Code; Creating Title III in Book 1—Export Tariff" .....			.90	1.90
No. 6446 "RE-minimum and maximum salaries allowed for Civil Service eligible" .....	.40	.65	Presidential Decree No. 442, new Labor Code of the Philippines with amendments			11.00	12.00
No. 6552 "Protection for Real Estate buyers" .....	.35	.65	Rules and Regulations implementing the Labor Code of the Philippines			14.20	15.20
			Compilation of Presidential Decrees, Letter of Instructions, General Orders & etc.: Volume I			—	—
			Driver's Manual			5.00	6.00

NOTE: Stocks & prices maybe changed from time to time.

Official Gazette



REPUBLIC OF THE PHILIPPINES

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ELPIDIO DE PERALTA, *Editor*

GENEROSO PAZ, *Associate Editor*

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MANUEL L. AGUSTIN, *Director of Printing*

CHARITO A. MANGUBAT—*Acting Chief, Official Gazette Section*

TEL. NOS. 22-24-85 (GTS); 49-15-23; 48-34-29 (PLDT)

SUBSCRIPTION RATES EFFECTIVE AUGUST 1, 1974

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All letters and payments of subscription should be addressed to the Director of Printing.

Claims for missing numbers must be made *immediately* upon receipt of the following number.

RATES OF PUBLICATION

(As of August 1, 1974)

1. Trademarks with plate minimum of 10 square inches in one publication	P45.00
2. Notices pertaining to Dams in four publications	95.00
3. Notices pertaining to water rights in four publications	155.00
4. Notices of Hearing in Land Registration cases in two publications:	
a. For one lot	110.00
b. For every additional lot	30.00
5. Bureau of Lands Notices in six publications:	
a. For lease of Public Lands (one lot)	220.00
b. For sale of Public Lands (one lot)	180.00
c. For every additional lot leased or sold	75.00
6. All other publications of legal notices, patents, copyrights, invitation to bid; notices of application in mining leases, notices of application with the Board of Investments and other similar notices of advertisements:	
a. For the first publication per line	1.20
b. For each subsequent publication, per line .....	.65
7. Certificate of publication (true copy)	5.00